

ASSEMBLY BILL

No. 1060

Introduced by Assembly Member Liu

February 22, 2005

An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 11108, 11108.3, 12001, 12021, 12021.3, 12026.2, 12028.5, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12086, 12131, 12132, and 12305 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, to repeal Section 12084 of, and to repeal and add Section 12071 of, the Penal Code, and to amend Section 26 of Chapter 23 of the Statutes of 1994, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1060, as introduced, Liu. Firearms.

Existing law authorizes law enforcement agencies to report certain information to the Department of Justice pertaining to a firearm when the firearm is taken into custody for safekeeping by the agency.

This bill would require the law enforcement agency to report the information to the department.

By imposing additional duties in connection with the custody of firearms upon local law enforcement entities, this bill would impose a state-mandated local program.

Existing law provides that where neither party to a firearm transaction is a licensed firearms dealer, the parties may complete the transaction through a sheriff's department, as specified.

This bill would repeal those provisions and make additional conforming technical changes consistent with the repeal. The bill would make other technical changes.

Existing law generally regulates the licensing and conduct of firearms dealers.

This bill would reorganize those provisions. The bill would require dealers to store all inventory firearms in secure storage, as specified. The bill would renumber other code sections in connection with reorganizing those provisions, and would make other conforming nonsubstantive changes.

Existing law establishes a program for determining the safety of handguns based on certain testing criteria and procedures. Existing law provides for the reinstatement of handguns on an approved roster subject to certain conditions.

This bill would specify additional criteria to be met for purposes of reinstatement.

The bill would make additional technical and conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21641 of the Business and Professions
2 Code is amended to read:
3 21641. (a) The chief of police, the sheriff or, where
4 appropriate, the police commission, shall accept an application
5 for and grant a license permitting the licensee to engage in the
6 business of secondhand dealer, as defined in Section 21626, to an
7 applicant who has not been convicted of an attempt to receive
8 stolen property or any other offense involving stolen property.
9 Prior to the granting of a license, the licensing authority shall
10 submit the application to the Department of Justice. If the
11 Department of Justice does not comment on the application
12 within 30 days thereafter, the licensing authority may grant the
13 applicant a license. All forms for application and licensure, and

license renewal, shall be prescribed and provided by the Department of Justice. A fee may be charged to the applicant as specified by the Department of Justice and the local licensing authority for processing the initial license application.

(b) For the purposes of this section, “convicted” means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(c) Notwithstanding subdivisions (a) and (b), no person shall be denied a secondhand dealer’s license solely on the grounds that he or she violated any provision contained in Article 4 (commencing with Section 21625) or Article 5 (commencing with Section 21650) of this chapter, or any provision contained in Chapter 2 (commencing with Section 21200) of Division 8 of the Financial Code, unless the violation demonstrates a pattern of conduct.

(d) Any person licensed as a firearms dealer pursuant to Section 12071 of the Penal Code, who is conducting business at gun shows or events pursuant to ~~subparagraph (B) of paragraph (1) of subdivision (b) of Section 12071~~ 12071.1 of the Penal Code, and who has a valid secondhand dealer license granted by the appropriate local authorities in the jurisdiction where the firearms dealer license has been granted, shall be authorized to conduct business as a secondhand dealer at any gun show or event, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, without regard to the jurisdiction within this state that issued the secondhand dealer license pursuant to subdivision (a) of this section. No additional fees or separate secondhand dealer license shall be required by any agency having jurisdiction over the locality where the gun show or event is conducted. However, the person shall otherwise be subject to, and comply with, the requirements of this article when he or she acts as a secondhand dealer at the gun show or event to the same extent as if he or she were licensed as a secondhand dealer in the jurisdiction in which the gun show or event is being conducted.

SEC. 2. Section 12101 of the Health and Safety Code is amended to read:

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with this section:

- 1 (1) Manufacture explosives.
- 2 (2) Sell, furnish, or give away explosives.
- 3 (3) Receive, store, or possess explosives.
- 4 (4) Transport explosives.
- 5 (5) Use explosives.
- 6 (6) Operate a terminal for handling explosives.
- 7 (7) Park or leave standing any vehicle carrying explosives,
- 8 except when parked or left standing in or at a safe stopping place
- 9 designated as such by the Department of the California Highway
- 10 Patrol under Division 14 (commencing with Section 31600) of
- 11 the Vehicle Code.
- 12 (b) Application for a permit shall be made to the appropriate
- 13 issuing authority.
- 14 (c) (1) A permit shall be obtained from the issuing authority
- 15 having the responsibility in the area where the activity, as
- 16 specified in subdivision (a), is to be conducted.
- 17 (2) If the person holding a valid permit for the use or storage
- 18 of explosives desires to purchase or receive explosives in a
- 19 jurisdiction other than that of intended use or storage, the person
- 20 shall first present the permit to the issuing authority in the
- 21 jurisdiction of purchase or receipt for endorsement. The issuing
- 22 authority may include any reasonable restrictions or conditions
- 23 which the authority finds necessary for the prevention of fire and
- 24 explosion, the preservation of life, safety, or the control and
- 25 security of explosives within the authority's jurisdiction. If, for
- 26 any reason, the issuing authority refuses to endorse the permit
- 27 previously issued in the area of intended use or storage, the
- 28 authority shall immediately notify both the issuing authority who
- 29 issued the permit and the Department of Justice of the fact of the
- 30 refusal and the reasons for the refusal.
- 31 (3) Every person who sells, gives away, delivers, or otherwise
- 32 disposes of explosives to another person shall first be satisfied
- 33 that the person receiving the explosives has a permit valid for
- 34 that purpose. When the permit to receive explosives indicates
- 35 that the intended storage or use of the explosives is other than in
- 36 that area in which the permittee receives the explosives, the
- 37 person who sells, gives away, delivers, or otherwise disposes of
- 38 the explosives shall insure that the permit has been properly
- 39 endorsed by a local issuing authority and, further, shall
- 40 immediately send a copy of the record of sale to the issuing

1 authority who originally issued the permit in the area of intended
2 storage or use. The issuing authority in the area in which the
3 explosives are received or sold shall not issue a permit for the
4 possession, use, or storage of explosives in an area not within the
5 authority's jurisdiction.

6 (d) In the event any person desires to receive explosives for
7 use in an area outside of this state, a permit to receive the
8 explosives shall be obtained from the State Fire Marshal.

9 (e) A permit may include any restrictions or conditions which
10 the issuing authority finds necessary for the prevention of fire
11 and explosion, the preservation of life, safety, or the control and
12 security of explosives.

13 (f) A permit shall remain valid only until the time when the act
14 or acts authorized by the permit are performed, but in no event
15 shall the permit remain valid for a period longer than one year
16 from the date of issuance of the permit.

17 (g) Any valid permit which authorizes the performance of any
18 act shall not constitute authorization for the performance of any
19 act not stipulated in the permit.

20 (h) An issuing authority shall not issue a permit authorizing
21 the transportation of explosives pursuant to this section if the
22 display of placards for that transportation is required by Section
23 27903 of the Vehicle Code, unless the driver possesses a license
24 for the transportation of hazardous materials issued pursuant to
25 Division 14.1 (commencing with Section 32000) of the Vehicle
26 Code, or the explosives are a hazardous waste or extremely
27 hazardous waste, as defined in Sections 25117 and 25115 of the
28 Health and Safety Code, and the transporter is currently
29 registered as a hazardous waste hauler pursuant to Section 25163
30 of the Health and Safety Code.

31 (i) An issuing authority shall not issue a permit pursuant to
32 this section authorizing the handling or storage of division 1.1,
33 1.2, or 1.3 explosives in a building, unless the building has
34 caution placards which meet the standards established pursuant
35 to subdivision (g) of Section 12081.

36 (j) (1) A permit shall not be issued to a person who meets any
37 of the following criteria:

38 (A) He or she has been convicted of a felony.

39 (B) He or she is addicted to a narcotic drug.

1 (C) He or she is in a class prohibited by Section 8100 or 8103
2 of the Welfare and Institutions Code or Section 12021 or 12021.1
3 of the Penal Code.

4 (2) For purposes of determining whether a person meets any of
5 the criteria set forth in this subdivision, the issuing authority shall
6 obtain two sets of fingerprints on prescribed cards from all
7 persons applying for a permit under this section and shall submit
8 these cards to the Department of Justice. The Department of
9 Justice shall utilize the fingerprint cards to make inquiries both
10 within this state and to the Federal Bureau of Investigation
11 regarding the criminal history of the applicant identified on the
12 fingerprint card.

13 This paragraph does not apply to any person possessing a
14 current certificate of eligibility issued pursuant to ~~paragraph (4)~~
15 ~~of subdivision (a) of~~ Section 12071 or to any holder of a
16 dangerous weapons permit or license issued pursuant to Section
17 12095, 12230, 12250, 12286, or 12305 of the Penal Code.

18 (k) An issuing authority shall inquire with the Department of
19 Justice for the purposes of determining whether a person who is
20 applying for a permit meets any of the criteria specified in
21 subdivision (j). The Department of Justice shall determine
22 whether a person who is applying for a permit meets any of the
23 criteria specified in subdivision (j) and shall either grant or deny
24 clearance for a permit to be issued pursuant to the determination.
25 The Department of Justice shall not disclose the contents of a
26 person's records to any person who is not authorized to receive
27 the information in order to ensure confidentiality.

28 SEC. 3. Section 171b of the Penal Code is amended to read:

29 171b. (a) Any person who brings or possesses within any
30 state or local public building or at any meeting required to be
31 open to the public pursuant to Chapter 9 (commencing with
32 Section 54950) of Part 1 of Division 2 of Title 5 of, or Article 9
33 (commencing with Section 11120) of Chapter 1 of Part 1 of
34 Division 3 of Title 2 of, the Government Code, any of the
35 following is guilty of a public offense punishable by
36 imprisonment in a county jail for not more than one year, or in
37 the state prison:

38 (1) Any firearm.

39 (2) Any deadly weapon described in Section 653k or 12020.

1 (3) Any knife with a blade length in excess of four inches, the
2 blade of which is fixed or is capable of being fixed in an
3 unguarded position by the use of one or two hands.

4 (4) Any unauthorized tear gas weapon.

5 (5) Any taser or stun gun, as defined in Section 244.5.

6 (6) Any instrument that expels a metallic projectile, such as a
7 BB or pellet, through the force of air pressure, CO₂ pressure, or
8 spring action, or any spot marker gun or paint gun.

9 (b) Subdivision (a) shall not apply to, or affect, any of the
10 following:

11 (1) A person who possesses weapons in, or transports weapons
12 into, a court of law to be used as evidence.

13 (2) (A) A duly appointed peace officer as defined in Chapter
14 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired
15 peace officer with authorization to carry concealed weapons as
16 described in subdivision (a) of Section 12027, a full-time paid
17 peace officer of another state or the federal government who is
18 carrying out official duties while in California, or any person
19 summoned by any of these officers to assist in making arrests or
20 preserving the peace while he or she is actually engaged in
21 assisting the officer.

22 (B) Notwithstanding subparagraph (A), subdivision (a) shall
23 apply to any person who brings or possesses any weapon
24 specified therein within any courtroom if he or she is a party to
25 an action pending before the court.

26 (3) A person holding a valid license to carry the firearm
27 pursuant to Article 3 (commencing with Section 12050) of
28 Chapter 1 of Title 2 of Part 4.

29 (4) A person who has permission to possess that weapon
30 granted in writing by a duly authorized official who is in charge
31 of the security of the state or local government building.

32 (5) A person who lawfully resides in, lawfully owns, or is in
33 lawful possession of, that building with respect to those portions
34 of the building that are not owned or leased by the state or local
35 government.

36 (6) A person licensed or registered in accordance with, and
37 acting within the course and scope of, Chapter 11.5 (commencing
38 with Section 7512) or Chapter 11.6 (commencing with Section
39 7590) of Division 3 of the Business and Professions Code who

1 has been hired by the owner or manager of the building if the
2 person has permission pursuant to paragraph (5).

3 (7) (A) A person who, for the purpose of sale or trade, brings
4 any weapon that may otherwise be lawfully transferred, into a
5 gun show conducted pursuant to Sections ~~12071.1~~ 12083.5 and
6 ~~12071.4~~ 12083.7.

7 (B) A person who, for purposes of an authorized public
8 exhibition, brings any weapon that may otherwise be lawfully
9 possessed, into a gun show conducted pursuant to Sections
10 ~~12071.1~~ 12083.5 and ~~12071.4~~ 12083.7.

11 (c) As used in this section, “state or local public building”
12 means a building that meets all of the following criteria:

13 (1) It is a building or part of a building owned or leased by the
14 state or local government, if state or local public employees are
15 regularly present for the purposes of performing their official
16 duties. A state or local public building includes, but is not limited
17 to, a building that contains a courtroom.

18 (2) It is not a building or facility, or a part thereof, that is
19 referred to in Section 171c, 171d, 626.9, 626.95, or 626.10 of this
20 code, or in Section 18544 of the Elections Code.

21 (3) It is a building not regularly used, and not intended to be
22 used, by state or local employees as a place of residence.

23 SEC. 4. Section 11106 of the Penal Code is amended to read:

24 11106. (a) In order to assist in the investigation of crime, the
25 prosecution of civil actions by city attorneys pursuant to
26 paragraph (3) of subdivision (c), the arrest and prosecution of
27 criminals, and the recovery of lost, stolen, or found property, the
28 Attorney General shall keep and properly file a complete record
29 of all copies of fingerprints, copies of licenses to carry firearms
30 issued pursuant to Section 12050, information reported to the
31 Department of Justice pursuant to Section 12053, dealers’
32 records of sales of firearms, reports provided pursuant to Section
33 12072 or 12078, forms provided pursuant to Section 12084 *as*
34 *that section read prior to being repealed by the act that amended*
35 *this section*, reports provided pursuant to Section ~~12071~~ 12071.5
36 that are not dealers’ records of sales of firearms, and reports of
37 stolen, lost, found, pledged, or pawned property in any city or
38 county of this state, and shall, upon proper application therefor,
39 furnish this information to the officers referred to in Section
40 11105.

(b) (1) Notwithstanding subdivision (a), the Attorney General shall not retain or compile any information from reports filed pursuant to subdivision (a) of Section 12078 for firearms that are not handguns, from forms submitted pursuant to Section 12084 for firearms that are not handguns *as that section read prior to being repealed by the act that amended this section*, or from dealers' records of sales for firearms that are not handguns. All copies of the forms submitted, or any information received in electronic form, pursuant to Section 12084 for firearms that are not handguns *as that section read prior to being repealed by the act that amended this section*, or of the dealers' records of sales for firearms that are not handguns shall be destroyed within five days of the clearance by the Attorney General, unless the purchaser or transferor is ineligible to take possession of the firearm. All copies of the reports filed, or any information received in electronic form, pursuant to subdivision (a) of Section 12078 for firearms that are not handguns shall be destroyed within five days of the receipt by the Attorney General, unless retention is necessary for use in a criminal prosecution.

(2) A peace officer, the Attorney General, a Department of Justice employee designated by the Attorney General, or any authorized local law enforcement employee shall not retain or compile any information from a firearms transaction record, as defined in ~~paragraph (5) of subdivision (c) of Section 12071~~ 12071.5, for firearms that are not handguns unless retention or compilation is necessary for use in a criminal prosecution or in a proceeding to revoke a license issued pursuant to Section 12071.

(3) A violation of this subdivision is a misdemeanor.

(c) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to Sections 12071, 12072, 12078, 12082, and *former Section 12084* or any other law, as to handguns and maintain a registry thereof.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner or person being loaned the particular handgun as listed on the information provided to the department on the Dealers' Record of Sale, the Law Enforcement Firearms Transfer (LEFT),

1 as defined in *former* Section 12084, or reports made to the
2 department pursuant to Section 12078 or any other law.

3 (B) The name and address of, and other information about, any
4 person (whether a dealer or a private party) from whom the
5 owner acquired or the person being loaned the particular handgun
6 and when the firearm was acquired or loaned as listed on the
7 information provided to the department on the Dealers' Record
8 of Sale, the LEFT, or reports made to the department pursuant to
9 Section 12078 or any other law.

10 (C) Any waiting period exemption applicable to the
11 transaction which resulted in the owner of or the person being
12 loaned the particular handgun acquiring or being loaned that
13 firearm.

14 (D) The manufacturer's name if stamped on the firearm,
15 model name or number if stamped on the firearm, and, if
16 applicable, the serial number, other number (if more than one
17 serial number is stamped on the firearm), caliber, type of firearm,
18 if the firearm is new or used, barrel length, and color of the
19 firearm.

20 (3) Information in the registry referred to in this subdivision
21 shall, upon proper application therefor, be furnished to the
22 officers referred to in Section 11105, to a city attorney
23 prosecuting a civil action, solely for use in prosecuting that civil
24 action and not for any other purpose, or to the person listed in the
25 registry as the owner or person who is listed as being loaned the
26 particular handgun.

27 (4) If any person is listed in the registry as the owner of a
28 firearm through a Dealers' Record of Sale prior to 1979, and the
29 person listed in the registry requests by letter that the Attorney
30 General store and keep the record electronically, as well as in the
31 record's existing photographic, photostatic, or nonerasable
32 optically stored form, the Attorney General shall do so within
33 three working days of receipt of the request. The Attorney
34 General shall, in writing, and as soon as practicable, notify the
35 person requesting electronic storage of the record that the request
36 has been honored as required by this paragraph.

37 SEC. 5. Section 11108 of the Penal Code is amended to read:

38 11108. Each sheriff or police chief executive shall submit
39 descriptions of serialized property which has been reported
40 stolen, lost, found, recovered, *held for safekeeping*, or under

1 observation, directly into the appropriate Department of Justice
2 automated property system for firearms, stolen bicycles, stolen
3 vehicles, or other property, as the case may be.

4 Reports of stolen nonserialized property which has unique
5 characteristics or inscriptions permitting accurate identification
6 shall be sent by each sheriff or police chief executive directly to
7 the Special Services Section of the department by letter or
8 teletype.

9 SEC. 6. Section 11108.3 of the Penal Code is amended to
10 read:

11 11108.3. (a) In addition to the requirements of Section 11108
12 that apply to a local law enforcement agency's duty to report to
13 the Department of Justice the recovery of a firearm, a police or
14 sheriff's department shall, and any other law enforcement agency
15 or agent may, report to the department in a manner determined
16 by the Attorney General in consultation with the Bureau of
17 Alcohol, Tobacco, and Firearms all available information
18 necessary to identify and trace the history of all recovered
19 firearms that are illegally possessed, have been used in a crime,
20 or are suspected of having been used in a crime. ~~In addition, any~~
21 ~~law enforcement agency or agent may report to the Attorney~~
22 ~~General pursuant to this section all information pertaining to any~~
23 ~~firearm taken into custody, except where the firearm has been~~
24 ~~voluntarily placed with the law enforcement agency for~~
25 ~~safekeeping.~~

26 (b) When the department receives information from a local
27 law enforcement agency pursuant to subdivision (a), it shall
28 promptly forward this information to the National Tracing Center
29 of the federal Bureau of Alcohol, Tobacco, and Firearms to the
30 extent practicable.

31 (c) The Department of Justice shall implement an electronic
32 system by January 1, 2002, to receive comprehensive tracing
33 information from each local law enforcement agency, and to
34 forward this information to the National Tracing Center.

35 (d) In implementing this section, the Attorney General shall
36 ensure to the maximum extent practical that both of the following
37 apply:

38 (1) The information he or she provides to the federal Bureau
39 of Alcohol, Tobacco, and Firearms enables that agency to trace
40 the ownership of the firearm described in subdivision (a).

1 (2) Local law enforcement agencies can report all relevant
2 information without being unduly burdened by this reporting
3 function.

4 (e) Information collected pursuant to this section shall be
5 maintained by the department for a period of not less than 10
6 years, and shall be available, under guidelines set forth by the
7 Attorney General, for academic and policy research purposes.

8 (f) The Attorney General shall have the authority to issue
9 regulations to further the purposes of this section.

10 SEC. 7. Section 12001 of the Penal Code is amended to read:

11 12001. (a) (1) As used in this title, the terms “pistol,”
12 “revolver,” and “firearm capable of being concealed upon the
13 person” shall apply to and include any device designed to be used
14 as a weapon, from which is expelled a projectile by the force of
15 any explosion, or other form of combustion, and that has a barrel
16 less than 16 inches in length. These terms also include any device
17 that has a barrel 16 inches or more in length which is designed to
18 be interchanged with a barrel less than 16 inches in length.

19 (2) As used in this title, the term “handgun” means any
20 “pistol,” “revolver,” or “firearm capable of being concealed upon
21 the person.”

22 (b) As used in this title, “firearm” means any device, designed
23 to be used as a weapon, from which is expelled through a barrel a
24 projectile by the force of any explosion or other form of
25 combustion.

26 (c) As used in Sections 12021, 12021.1, 12070, 12071,
27 12071.1, 12071.2, 12071.5, 12071.6, 12072, 12073, 12078,
28 12101, and 12801 of this code, and Sections 8100, 8101, and
29 8103 of the Welfare and Institutions Code, the term “firearm”
30 includes the frame or receiver of the weapon.

31 (d) For the purposes of Sections 12025 and 12031, the term
32 “firearm” also shall include any rocket, rocket propelled
33 projectile launcher, or similar device containing any explosive or
34 incendiary material whether or not the device is designed for
35 emergency or distress signaling purposes.

36 (e) For purposes of Sections 12070, 12071, 12071.1, 12071.2,
37 12071.3, 12071.5, 12071.6, and paragraph (8) of subdivision (a),
38 and subdivisions (b), (c), (d), and (f) of Section 12072, the term
39 “firearm” does not include an unloaded firearm that is defined as

1 an “antique firearm” in Section 921(a)(16) of Title 18 of the
2 United States Code.

3 (f) Nothing shall prevent a device defined as a “handgun,”
4 “pistol,” “revolver,” or “firearm capable of being concealed upon
5 the person” from also being found to be a short-barreled shotgun
6 or a short-barreled rifle, as defined in Section 12020.

7 (g) For purposes of Sections 12551 and 12552, the term “BB
8 device” means any instrument that expels a projectile, such as a
9 BB or a pellet, not exceeding 6mm caliber, through the force of
10 air pressure, gas pressure, or spring action, or any spot marker
11 gun.

12 (h) As used in this title, “wholesaler” means any person who is
13 licensed as a dealer pursuant to Chapter 44 (commencing with
14 Section 921) of Title 18 of the United States Code and the
15 regulations issued pursuant thereto who sells, transfers, or
16 assigns firearms, or parts of firearms, to persons who are licensed
17 as manufacturers, importers, or gunsmiths pursuant to Chapter 44
18 (commencing with Section 921) of Title 18 of the United States
19 Code, or persons licensed pursuant to Section 12071, and
20 includes persons who receive finished parts of firearms and
21 assemble them into completed or partially completed firearms in
22 furtherance of that purpose.

23 “Wholesaler” shall not include a manufacturer, importer, or
24 gunsmith who is licensed to engage in those activities pursuant to
25 Chapter 44 (commencing with Section 921) of Title 18 of the
26 United States Code or a person licensed pursuant to Section
27 12071 and the regulations issued pursuant thereto. A wholesaler
28 also does not include those persons dealing exclusively in grips,
29 stocks, and other parts of firearms that are not frames or receivers
30 thereof.

31 (i) As used in Section 12071, *12071.2, 12071.4, or* 12072, ~~or~~
32 ~~12084~~, “application to purchase” means any of the following:

33 (1) The initial completion of the register by the purchaser,
34 transferee, or person being loaned the firearm as required by
35 subdivision (b) of Section 12076.

36 ~~(2) The initial completion of the LEFT by the purchaser,~~
37 ~~transferee, or person being loaned the firearm as required by~~
38 ~~subdivision (d) of Section 12084.~~

39 ~~(3) The initial completion and transmission to the department~~
40 ~~of the record of electronic or telephonic transfer by the dealer on~~

1 the purchaser, transferee, or person being loaned the firearm as
2 required by subdivision (c) of Section 12076.

3 (j) For purposes of Section 12023, a firearm shall be deemed
4 to be “loaded” whenever both the firearm and the unexpended
5 ammunition capable of being discharged from the firearm are in
6 the immediate possession of the same person.

7 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,
8 12072, 12073, 12078, 12101, and 12801 of this code, and
9 Sections 8100, 8101, and 8103 of the Welfare and Institutions
10 Code, notwithstanding the fact that the term “any firearm” may
11 be used in those sections, each firearm or the frame or receiver of
12 the same shall constitute a distinct and separate offense under
13 those sections.

14 (l) For purposes of Section 12020, a violation of that section as
15 to each firearm, weapon, or device enumerated therein shall
16 constitute a distinct and separate offense.

17 (m) Each application that requires any firearms eligibility
18 determination involving the issuance of any license, permit, or
19 certificate pursuant to this title shall include two copies of the
20 applicant’s fingerprints on forms prescribed by the Department
21 of Justice. One copy of the fingerprints may be submitted to the
22 United States Federal Bureau of Investigation.

23 (n) As used in this chapter, a “personal handgun importer”
24 means an individual who meets all of the following criteria:

25 (1) He or she is not a person licensed pursuant to Section
26 12071.

27 (2) He or she is not a licensed manufacturer of firearms
28 pursuant to Chapter 44 (commencing with Section 921) of Title
29 18 of the United States Code.

30 (3) He or she is not a licensed importer of firearms pursuant to
31 Chapter 44 (commencing with Section 921) of Title 18 of the
32 United States Code and the regulations issued pursuant thereto.

33 (4) He or she is the owner of a pistol, revolver, or other
34 firearm capable of being concealed upon the person.

35 (5) He or she acquired that pistol, revolver, or other firearm
36 capable of being concealed upon the person outside of California.

37 (6) He or she moves into this state on or after January 1, 1998,
38 as a resident of this state.

1 (7) He or she intends to possess that pistol, revolver, or other
2 firearm capable of being concealed upon the person within this
3 state on or after January 1, 1998.

4 (8) The pistol, revolver, or other firearm capable of being
5 concealed upon the person was not delivered to him or her by a
6 person licensed pursuant to Section 12071 who delivered that
7 firearm following the procedures set forth in Section ~~12071~~
8 *12071.2* and subdivision (c) of Section 12072.

9 (9) He or she, while a resident of this state, had not previously
10 reported his or her ownership of that pistol, revolver, or other
11 firearm capable of being concealed upon the person to the
12 Department of Justice in a manner prescribed by the department
13 that included information concerning him or her and a
14 description of the firearm.

15 (10) The pistol, revolver, or other firearm capable of being
16 concealed upon the person is not a firearm that is prohibited by
17 subdivision (a) of Section 12020.

18 (11) The pistol, revolver, or other firearm capable of being
19 concealed upon the person is not an assault weapon, as defined in
20 Section 12276 or 12276.1.

21 (12) The pistol, revolver, or other firearm capable of being
22 concealed upon the person is not a machinegun, as defined in
23 Section 12200.

24 (13) The person is 18 years of age or older.

25 (o) For purposes of paragraph (6) of subdivision (n):

26 (1) Except as provided in paragraph (2), residency shall be
27 determined in the same manner as is the case for establishing
28 residency pursuant to Section 12505 of the Vehicle Code.

29 (2) In the case of members of the Armed Forces of the United
30 States, residency shall be deemed to be established when he or
31 she was discharged from active service in this state.

32 (p) As used in this code, “basic firearms safety certificate”
33 means a certificate issued by the Department of Justice pursuant
34 to Article 8 (commencing with Section 12800) of Chapter 6 of
35 Title 2 of Part 4, prior to January 1, 2003.

36 (q) As used in this code, “handgun safety certificate” means a
37 certificate issued by the Department of Justice pursuant to Article
38 8 (commencing with Section 12800) of Chapter 6 of Title 2 of
39 Part 4, as that article is operative on or after January 1, 2003.

(r) As used in this title, “gunsmith” means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

SEC. 8. Section 12021 of the Penal Code is amended to read:

12021. (a) (1) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 12001.6, or who is addicted to the use of any narcotic drug, who owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(b) Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 12001.6, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(c) (1) Except as provided in subdivision (a) or paragraph (2) of this subdivision, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, Section 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.1, 417.2, 417.6, 422, 626.9, 646.9, 12023, or 12024, subdivision (b) or (d) of Section 12034, Section 12040, subdivision (b) of Section 12072, subdivision (a) of former Section 12100, Section 12220, 12320, or 12590, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in paragraph (3) of subdivision of Section 12072, and who, within

1 10 years of the conviction, owns, purchases, receives, or has in
2 his or her possession or under his or her custody or control, any
3 firearm is guilty of a public offense, which shall be punishable by
4 imprisonment in a county jail not exceeding one year or in the
5 state prison, by a fine not exceeding one thousand dollars
6 (\$1,000), or by both that imprisonment and fine. The court, on
7 forms prescribed by the Department of Justice, shall notify the
8 department of persons subject to this subdivision. However, the
9 prohibition in this paragraph may be reduced, eliminated, or
10 conditioned as provided in paragraph (2) or (3).

11 (2) Any person employed as a peace officer described in
12 Section 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5 whose
13 employment or livelihood is dependent on the ability to legally
14 possess a firearm, who is subject to the prohibition imposed by
15 this subdivision because of a conviction under Section 273.5,
16 273.6, or 646.9, may petition the court only once for relief from
17 this prohibition. The petition shall be filed with the court in
18 which the petitioner was sentenced. If possible, the matter shall
19 be heard before the same judge that sentenced the petitioner.
20 Upon filing the petition, the clerk of the court shall set the
21 hearing date and shall notify the petitioner and the prosecuting
22 attorney of the date of the hearing. Upon making each of the
23 following findings, the court may reduce or eliminate the
24 prohibition, impose conditions on reduction or elimination of the
25 prohibition, or otherwise grant relief from the prohibition as the
26 court deems appropriate:

27 (A) Finds by a preponderance of the evidence that the
28 petitioner is likely to use a firearm in a safe and lawful manner.

29 (B) Finds that the petitioner is not within a prohibited class as
30 specified in subdivision (a), (b), (d), (e), or (g) or Section
31 12021.1, and the court is not presented with any credible
32 evidence that the petitioner is a person described in Section 8100
33 or 8103 of the Welfare and Institutions Code.

34 (C) Finds that the petitioner does not have a previous
35 conviction under this subdivision no matter when the prior
36 conviction occurred.

37 In making its decision, the court shall consider the petitioner's
38 continued employment, the interest of justice, any relevant
39 evidence, and the totality of the circumstances. The court shall
40 require, as a condition of granting relief from the prohibition

1 under this section, that the petitioner agree to participate in
2 counseling as deemed appropriate by the court. Relief from the
3 prohibition shall not relieve any other person or entity from any
4 liability that might otherwise be imposed. It is the intent of the
5 Legislature that courts exercise broad discretion in fashioning
6 appropriate relief under this paragraph in cases in which relief is
7 warranted. However, nothing in this paragraph shall be construed
8 to require courts to grant relief to any particular petitioner. It is
9 the intent of the Legislature to permit persons who were
10 convicted of an offense specified in Section 273.5, 273.6, or
11 646.9 to seek relief from the prohibition imposed by this
12 subdivision.

13 (3) Any person who is subject to the prohibition imposed by
14 this subdivision because of a conviction of an offense prior to
15 that offense being added to paragraph (1) may petition the court
16 only once for relief from this prohibition. The petition shall be
17 filed with the court in which the petitioner was sentenced. If
18 possible, the matter shall be heard before the same judge that
19 sentenced the petitioner. Upon filing the petition, the clerk of the
20 court shall set the hearing date and notify the petitioner and the
21 prosecuting attorney of the date of the hearing. Upon making
22 each of the following findings, the court may reduce or eliminate
23 the prohibition, impose conditions on reduction or elimination of
24 the prohibition, or otherwise grant relief from the prohibition as
25 the court deems appropriate:

26 (A) Finds by a preponderance of the evidence that the
27 petitioner is likely to use a firearm in a safe and lawful manner.

28 (B) Finds that the petitioner is not within a prohibited class as
29 specified in subdivision (a), (b), (d), (e), or (g) or Section
30 12021.1, and the court is not presented with any credible
31 evidence that the petitioner is a person described in Section 8100
32 or 8103 of the Welfare and Institutions Code.

33 (C) Finds that the petitioner does not have a previous
34 conviction under this subdivision, no matter when the prior
35 conviction occurred.

36 In making its decision, the court may consider the interest of
37 justice, any relevant evidence, and the totality of the
38 circumstances. It is the intent of the Legislature that courts
39 exercise broad discretion in fashioning appropriate relief under
40 this paragraph in cases in which relief is warranted. However,

1 nothing in this paragraph shall be construed to require courts to
2 grant relief to any particular petitioner.

3 (4) Law enforcement officials who enforce the prohibition
4 specified in this subdivision against a person who has been
5 granted relief pursuant to paragraph (2) or (3) shall be immune
6 from any liability for false arrest arising from the enforcement of
7 this subdivision unless the person has in his or her possession a
8 certified copy of the court order that granted the person relief
9 from the prohibition. This immunity from liability shall not
10 relieve any person or entity from any other liability that might
11 otherwise be imposed.

12 (d) (1) Any person who, as an express condition of probation,
13 is prohibited or restricted from owning, possessing, controlling,
14 receiving, or purchasing a firearm and who owns, purchases,
15 receives, or has in his or her possession or under his or her
16 custody or control, any firearm but who is not subject to
17 subdivision (a) or (c) is guilty of a public offense, which shall be
18 punishable by imprisonment in a county jail not exceeding one
19 year or in the state prison, by a fine not exceeding one thousand
20 dollars (\$1,000), or by both that imprisonment and fine. The
21 court, on forms provided by the Department of Justice, shall
22 notify the department of persons subject to this subdivision. The
23 notice shall include a copy of the order of probation and a copy
24 of any minute order or abstract reflecting the order and
25 conditions of probation.

26 (2) For any person who is subject to subdivision (a), (b), or
27 (c), the court shall, at the time judgment is imposed, provide on a
28 form supplied by the Department of Justice, a notice to the
29 defendant prohibited by this section from owning, purchasing,
30 receiving, possessing or having under his or her custody or
31 control, any firearm. The notice shall inform the defendant of the
32 prohibition regarding firearms and include a form to facilitate the
33 transfer of firearms. Failure to provide the notice shall not be a
34 defense to a violation of this section.

35 (e) Any person who (1) is alleged to have committed an
36 offense listed in subdivision (b) of Section 707 of the Welfare
37 and Institutions Code, an offense described in subdivision (b) of
38 Section 1203.073, or any offense enumerated in paragraph (1) of
39 subdivision (c), or any offense described in subdivision (a) of
40 Section 12025, subdivision (a) of Section 12031, or subdivision

1 (a) of Section 12034, and (2) is subsequently adjudged a ward of
2 the juvenile court within the meaning of Section 602 of the
3 Welfare and Institutions Code because the person committed an
4 offense listed in subdivision (b) of Section 707 of the Welfare
5 and Institutions Code, an offense described in subdivision (b) of
6 Section 1203.073, or any offense enumerated in paragraph (1) of
7 subdivision (c) shall not own, or have in his or her possession or
8 under his or her custody or control, any firearm until the age of
9 30 years. A violation of this subdivision shall be punishable by
10 imprisonment in a county jail not exceeding one year or in the
11 state prison, by a fine not exceeding one thousand dollars
12 (\$1,000), or by both that imprisonment and fine. The juvenile
13 court, on forms prescribed by the Department of Justice, shall
14 notify the department of persons subject to this subdivision.
15 Notwithstanding any other law, the forms required to be
16 submitted to the department pursuant to this subdivision may be
17 used to determine eligibility to acquire a firearm.

18 (f) Subdivision (a) shall not apply to a person who has been
19 convicted of a felony under the laws of the United States unless
20 either of the following criteria is satisfied:

21 (1) Conviction of a like offense under California law can only
22 result in imposition of felony punishment.

23 (2) The defendant was sentenced to a federal correctional
24 facility for more than 30 days, or received a fine of more than
25 one thousand dollars (\$1,000), or received both punishments.

26 (g) (1) Every person who purchases or receives, or attempts to
27 purchase or receive, a firearm knowing that he or she is
28 prohibited from doing so by a temporary restraining order or
29 injunction issued pursuant to Section 527.6 or 527.8 of the Code
30 of Civil Procedure, a protective order issued pursuant to Section
31 136.2 or 646.91 of this code, or by a protective order issued
32 pursuant to Section 15657.03 of the Welfare and Institutions
33 Code, is guilty of a public offense, which shall be punishable by
34 imprisonment in a county jail not exceeding one year or in the
35 state prison, by a fine not exceeding one thousand dollars
36 (\$1,000), or by both that imprisonment and fine.

37 (2) Every person who owns or possesses a firearm knowing
38 that he or she is prohibited from doing so by a temporary
39 restraining order or injunction issued pursuant to Section 527.6
40 or 527.8 of the Code of Civil Procedure, a protective order as

1 defined in Section 6218 of the Family Code, a protective order
2 issued pursuant to Section 136.2 or 646.91 of this code, or by a
3 protective order issued pursuant to Section 15657.03 of the
4 Welfare and Institutions Code, is guilty of a public offense,
5 which shall be punishable by imprisonment in a county jail not
6 exceeding one year, by a fine not exceeding one thousand dollars
7 (\$1,000), or by both that imprisonment and fine.

8 (3) Judicial Council shall provide notice on all protective
9 orders that the respondent is prohibited from owning, possessing,
10 purchasing, receiving, or attempting to purchase or receive a
11 firearm while the protective order is in effect. The order shall
12 also state that the firearm shall be relinquished to the local law
13 enforcement agency for that jurisdiction or sold to a licensed gun
14 dealer, and that proof of surrender or sale shall be filed within a
15 specified time of receipt of the order. The order shall state the
16 penalties for a violation of the prohibition. The order shall also
17 state on its face the expiration date for relinquishment.

18 (4) If probation is granted upon conviction of a violation of
19 this subdivision, the court shall impose probation consistent with
20 the provisions of Section 1203.097.

21 (h) (1) A violation of subdivision (a), (b), (c), (d), or (e) is
22 justifiable where all of the following conditions are met:

23 (A) The person found the firearm or took the firearm from a
24 person who was committing a crime against him or her.

25 (B) The person possessed the firearm no longer than was
26 necessary to deliver or transport the firearm to a law enforcement
27 agency for that agency's disposition according to law.

28 (C) If the firearm was transported to a law enforcement
29 agency, it was transported in accordance with paragraph ~~(18)~~
30 ~~(17)~~ of subdivision (a) of Section 12026.2.

31 (D) If the firearm is being transported to a law enforcement
32 agency, the person transporting the firearm has given prior notice
33 to the law enforcement agency that he or she is transporting the
34 firearm to the law enforcement agency for disposition according
35 to law.

36 (2) Upon the trial for violating subdivision (a), (b), (c), (d), or
37 (e), the trier of fact shall determine whether the defendant was
38 acting within the provisions of the exemption created by this
39 subdivision.

1 (3) The defendant has the burden of proving by a
2 preponderance of the evidence that he or she comes within the
3 provisions of the exemption created by this subdivision.

4 (i) Subject to available funding, the Attorney General, working
5 with the State Judicial Council, the California Alliance Against
6 Domestic Violence, prosecutors, and law enforcement, probation,
7 and parole officers, shall develop a protocol for the
8 implementation of the provisions of this section. The protocol
9 shall be designed to facilitate the enforcement of restrictions on
10 firearm ownership, including provisions for giving notice to
11 defendants who are restricted, provisions for informing those
12 defendants of the procedures by which defendants shall dispose
13 of firearms when required to do so, provisions explaining how
14 defendants shall provide proof of the lawful disposition of
15 firearms, and provisions explaining how defendants may obtain
16 possession of seized firearms when legally permitted to do so
17 pursuant to this section or any other provision of law. The
18 protocol shall be completed on or before January 1, 2005.

19 SEC. 9. Section 12021.3 of the Penal Code is amended to
20 read:

21 12021.3. (a) (1) Any person who claims title to any firearm
22 that is in the custody or control of a court or law enforcement
23 agency and who wishes to have the firearm returned to him or
24 her shall make application for a determination by the Department
25 of Justice as to whether he or she is eligible to possess a firearm.
26 The application shall include the following:

27 (A) The applicant's name, date and place of birth, gender,
28 telephone number, and complete address.

29 (B) Whether the applicant is a United States citizen. If the
30 applicant is not a United States citizen, he or she shall also
31 provide his or her country of citizenship and his or her alien
32 registration or I-94 number.

33 (C) If the firearm is a handgun, the firearm's make, model,
34 caliber, barrel length, handgun type, country of origin, and serial
35 number.

36 (D) For residents of California, the applicant's valid California
37 driver's license number or valid California identification card
38 number issued by the Department of Motor Vehicles. For
39 nonresidents of California, a copy of the applicant's military
40 identification with orders indicating that the individual is

1 stationed in California, or a copy of the applicant's valid driver's
2 license from the state of residence, or a copy of the applicant's
3 state identification card from the state of residence. Copies of the
4 documents provided by non-California residents shall be
5 notarized.

6 (E) The name of the court or law enforcement agency holding
7 the firearm.

8 (F) The signature of the applicant and the date of signature.

9 (G) Any person furnishing a fictitious name or address or
10 knowingly furnishing any incorrect information or knowingly
11 omitting any information required to be provided for the
12 application, including any notarized information pursuant to
13 subparagraph (D) of paragraph (1) of subdivision (a) shall be
14 guilty of a misdemeanor.

15 (2) A person who owns a firearm that is in the custody of a
16 court or law enforcement agency and who does not wish to
17 obtain possession of the firearm, and the firearm is an otherwise
18 legal firearm, and the person otherwise has right to title of the
19 firearm, shall be entitled to sell or transfer title of the firearm to a
20 licensed dealer as defined in Section 12071.

21 (3) Any person furnishing a fictitious name or address, or
22 knowingly furnishing any incorrect information or knowingly
23 omitting any information required to be provided for the
24 application, including any notarized information pursuant to
25 subparagraph (D) of paragraph (1) of subdivision (a) is
26 punishable as a misdemeanor.

27 (b) No law enforcement agency or court that has taken custody
28 of any firearm may return the firearm to any individual unless the
29 following requirements are satisfied:

30 (1) That individual presents to the agency or court notification
31 of a determination by the department pursuant to subdivision (e)
32 that the person is eligible to possess firearms.

33 (2) If the agency or court has direct access to the Automated
34 Firearms System, the agency or court has verified that the firearm
35 is not listed as stolen pursuant to Section 11108, and that the
36 firearm has been recorded in the Automated Firearms System in
37 the name of the individual who seeks its return.

38 (3) If the firearm has been reported lost or stolen pursuant to
39 Section 11108, a law enforcement agency shall notify the owner
40 or person entitled to possession pursuant to Section 11108.5.

1 However, that person shall provide proof of eligibility to possess
2 a firearm pursuant to subdivision (e). Nothing in this subdivision
3 shall prevent the local law enforcement agency from charging the
4 rightful owner or person entitled to possession of the firearm the
5 fees described in subdivision (j). However, individuals who are
6 applying for a background check to retrieve a firearm that comes
7 into the custody or control of the court or law enforcement
8 agency pursuant to subdivision (a) shall be exempt from the fees
9 in subdivision (c) provided that the court or agency determines
10 the firearm was reported stolen to a law enforcement agency
11 prior to the date the firearm came into custody or control of the
12 court or law enforcement agency or within five business days of
13 the firearm being stolen from its owner. The court or agency
14 shall notify the Department of Justice of this fee exemption in a
15 manner prescribed by the department.

16 (c) The Department of Justice shall establish a fee of twenty
17 dollars (\$20) per request for return of a firearm, plus a
18 three-dollar (\$3) charge for each additional handgun being
19 processed as part of the request to return a firearm, to cover its
20 costs for processing firearm clearance determinations submitted
21 pursuant to this section. The fees shall be deposited into the
22 Dealers' Record of Sale Special Account. The department may
23 increase the fee by using the California Consumer Price Index as
24 compiled and reported by the California Department of Industrial
25 Relations to determine an annual rate of increase. Any fee
26 increase shall be rounded to the nearest dollar.

27 (d) When the Department of Justice receives a completed
28 application pursuant to subdivision (a) accompanied with the fee
29 required pursuant to subdivision (c), it shall conduct an eligibility
30 check of the applicant to determine whether the applicant is
31 eligible to possess firearms.

32 (e) (1) If the department determines that the applicant is
33 eligible to possess the firearm, the department shall provide the
34 applicant with written notification that includes the following:

35 (A) The identity of the applicant.

36 (B) A statement that the applicant is eligible to possess a
37 firearm.

38 (C) If the firearm is a handgun, a description of the handgun
39 by make, model, and serial number.

1 (2) If the firearm is a handgun, the department shall enter a
2 record of the handgun into the Automated Firearms System.

3 (3) The department shall have 30 days from the date of receipt
4 to complete the background check unless delayed by
5 circumstances beyond the control of the department. The
6 applicant may contact the department to inquire about the reason
7 for the delay.

8 (f) If the department denies the application, and the firearm is
9 an otherwise legal firearm, the department shall notify the
10 applicant of the denial and provide a form for the applicant to use
11 to sell or transfer the firearm to a licensed dealer as defined in
12 Section 12071. The applicant may contact the department to
13 inquire about the reason for the denial.

14 (g) Notwithstanding any other provision of law, no law
15 enforcement agency or court shall be required to retain a firearm
16 for more than 180 days after the owner of the firearm has been
17 notified by the court or law enforcement agency that the firearm
18 has been made available for return. An unclaimed firearm may be
19 disposed of after the 180-day period has expired.

20 (h) Notwithstanding Section 11106, the department may retain
21 personal information about an applicant in connection with a
22 claim for a firearm that is not a handgun to allow for law
23 enforcement confirmation of compliance with this section. The
24 information retained may include personal identifying
25 information regarding the individual applying for the clearance,
26 but may not include information that identifies any particular
27 firearm that is not a handgun.

28 (i) (1) If a ~~local~~ law enforcement agency determines that the
29 applicant is the legal owner of any firearm deposited with the
30 ~~local~~ law enforcement agency and is prohibited from possessing
31 any firearm and the firearm is an otherwise legal firearm, the
32 applicant shall be entitled to sell or transfer the firearm to a
33 licensed dealer as defined in Section 12071.

34 (2) If the firearm has been lost or stolen, the firearm shall be
35 restored to the lawful owner pursuant to Section 11108.5 upon
36 his or her identification of the firearm and proof of ownership,
37 and proof of eligibility to possess a firearm pursuant to
38 subdivision (e). Nothing in this subdivision shall prevent the
39 local law enforcement agency from charging the rightful owner
40 of the firearm the fees described in subdivision (j).

(3) Subdivision (a) of Section 12070 shall not apply to deliveries, transfers, or returns of firearms made by a court or a local law enforcement agency pursuant to this section.

(4) Subdivision (d) of Section 12072 shall not apply to deliveries, transfers, or returns of firearms made pursuant to this section.

(j) (1) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution imposing a charge equal to its administrative costs relating to the seizure, impounding, storage, or release of firearms. The fees shall not exceed the actual costs incurred for the expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed firearms dealer or to the owner. Those administrative costs may be waived by the local or state agency upon verifiable proof that the firearm was reported stolen at the time the firearm came into the custody or control of the law enforcement agency.

(2) The following apply to any charges imposed for administrative costs pursuant to this subdivision:

(A) The charges shall only be imposed on the person claiming title to the firearms.

(B) Any charges shall be collected by the local or state authority only from the person claiming title to the firearm.

(C) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.

(D) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a firearm unless that hearing or appeal was requested in writing by the legal owner of the firearm. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

(3) No costs for any hearing or appeal related to the release of a firearm shall be charged to the legal owner who redeems the firearm unless the legal owner voluntarily requests the post storage hearing or appeal. No city, county, city and county, or state agency shall require a legal owner to request a post storage hearing as a requirement for release of the firearm to the legal owner.

(k) *In a proceeding for the return of a firearm seized and not returned pursuant to this section, where the defendant or*

1 *cross-defendant is a law enforcement agency, the court shall*
2 *award reasonable attorney's fees to the prevailing party.*

3 SEC. 10. Section 12026.2 of the Penal Code is amended to
4 read:

5 12026.2. (a) Section 12025 does not apply to, or affect, any
6 of the following:

7 (1) The possession of a firearm by an authorized participant in
8 a motion picture, television, or video production or entertainment
9 event when the participant lawfully uses the firearm as part of
10 that production or event or while going directly to, or coming
11 directly from, that production or event.

12 (2) The possession of a firearm in a locked container by a
13 member of any club or organization, organized for the purpose of
14 lawfully collecting and lawfully displaying pistols, revolvers, or
15 other firearms, while the member is at meetings of the clubs or
16 organizations or while going directly to, and coming directly
17 from, those meetings.

18 (3) The transportation of a firearm by a participant when going
19 directly to, or coming directly from, a recognized safety or hunter
20 safety class, or a recognized sporting event involving that
21 firearm.

22 (4) The transportation of a firearm by a person listed in
23 Section 12026 directly between any of the places mentioned in
24 Section 12026.

25 (5) The transportation of a firearm by a person when going
26 directly to, or coming directly from, a fixed place of business or
27 private residential property for the purpose of the lawful repair or
28 the lawful transfer, sale, or loan of that firearm.

29 (6) The transportation of a firearm by a person listed in
30 Section 12026 when going directly from the place where that
31 person lawfully received that firearm to that person's place of
32 residence or place of business or to private property owned or
33 lawfully possessed by that person.

34 (7) The transportation of a firearm by a person when going
35 directly to, or coming directly from, a gun show, swap meet, or
36 similar event to which the public is invited, for the purpose of
37 displaying that firearm in a lawful manner.

38 (8) The transportation of a firearm by an authorized employee
39 or agent of a supplier of firearms when going directly to, or
40 coming directly from, a motion picture, television, or video

1 production or entertainment event for the purpose of providing
2 that firearm to an authorized participant to lawfully use as a part
3 of that production or event.

4 (9) The transportation of a firearm by a person when going
5 directly to, or coming directly from, a target range, which holds a
6 regulatory or business license, for the purposes of practicing
7 shooting at targets with that firearm at that target range.

8 (10) The transportation of a firearm by a person when going
9 directly to, or coming directly from, a place designated by a
10 person authorized to issue licenses pursuant to Section 12050
11 when done at the request of the issuing agency so that the issuing
12 agency can determine whether or not a license should be issued
13 to that person to carry that firearm.

14 ~~(11) The transportation of a firearm by a person when going~~
15 ~~directly to, or coming directly from, a law enforcement agency~~
16 ~~for the purpose of a lawful transfer, sale, or loan of that firearm~~
17 ~~pursuant to Section 12084.~~

18 ~~(12)~~ The transportation of a firearm by a person when going
19 directly to, or coming directly from, a lawful camping activity for
20 the purpose of having that firearm available for lawful personal
21 protection while at the lawful campsite. This paragraph shall not
22 be construed to override the statutory authority granted to the
23 Department of Parks and Recreation or any other state or local
24 governmental agencies to promulgate rules and regulations
25 governing the administration of parks and campgrounds.

26 ~~(13)~~

27 (12) The transportation of a firearm by a person in order to
28 comply with subdivision (c) or (i) of Section 12078 as it pertains
29 to that firearm.

30 ~~(14)~~

31 (13) The transportation of a firearm by a person in order to
32 utilize subdivision (I) of Section 12078 as it pertains to that
33 firearm.

34 ~~(15)~~

35 (14) The transportation of a firearm by a person when going
36 directly to, or coming directly from, a gun show or event, as
37 defined in Section 478.100 of Title 27 of the Code of Federal
38 Regulations, for the purpose of lawfully transferring, selling, or
39 loaning that firearm in accordance with subdivision (d) of
40 Section 12072.

~~(16)~~

(15) The transportation of a firearm by a person in order to utilize paragraph ~~(3)~~ (6) of subdivision (a) of Section 12078 as it pertains to that firearm.

~~(17)~~

(16) The transportation of a firearm by a person who finds the firearm in order to comply with Article 1 (commencing with Section 2080) of Chapter 4 of Division 3 of the Civil Code as it pertains to that firearm and if that firearm is being transported to a law enforcement agency, the person gives prior notice to the law enforcement agency that he or she is transporting the firearm to the law enforcement agency.

~~(18)~~

(17) The transportation of a firearm by a person who finds the firearm and is transporting it to a law enforcement agency for disposition according to law, if he or she gives prior notice to the law enforcement agency that he or she is transporting the firearm to the law enforcement agency for disposition according to law.

~~(19)~~

(18) The transportation of a firearm by a person in order to comply with paragraph (2) of subdivision (f) of Section 12072 as it pertains to that firearm.

~~(20)~~

(19) The transportation of a firearm by a person in order to comply with paragraph (3) of subdivision (f) of Section 12072 as it pertains to that firearm.

~~(21)~~

(20) The transportation of a firearm by a person for the purpose of obtaining an identification number or mark assigned for that firearm from the Department of Justice pursuant to Section 12092.

(b) In order for a firearm to be exempted under subdivision (a), while being transported to or from a place, the firearm shall be unloaded, kept in a locked container, as defined in subdivision (d), and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.

(c) This section does not prohibit or limit the otherwise lawful carrying or transportation of any pistol, revolver, or other firearm

1 capable of being concealed upon the person in accordance with
2 this chapter.

3 (d) As used in this section, “locked container” means a secure
4 container which is fully enclosed and locked by a padlock,
5 keylock, combination lock, or similar locking device. The term
6 “locked container” does not include the utility or glove
7 compartment of a motor vehicle.

8 SEC. 11. Section 12028.5 of the Penal Code is amended to
9 read:

10 12028.5. (a) As used in this section, the following definitions
11 shall apply:

12 (1) “Abuse” means any of the following:

13 (A) Intentionally or recklessly to cause or attempt to cause
14 bodily injury.

15 (B) Sexual assault.

16 (C) To place a person in reasonable apprehension of imminent
17 serious bodily injury to that person or to another.

18 (D) To molest, attack, strike, stalk, destroy personal property,
19 or violate the terms of a domestic violence protective order
20 issued pursuant to Part 4 (commencing with Section 6300) of
21 Division 10 of the Family Code.

22 (2) “Domestic violence” means abuse perpetrated against any
23 of the following persons:

24 (A) A spouse or former spouse.

25 (B) A cohabitant or former cohabitant, as defined in Section
26 6209 of the Family Code.

27 (C) A person with whom the respondent is having or has had a
28 dating or engagement relationship.

29 (D) A person with whom the respondent has had a child,
30 where the presumption applies that the male parent is the father
31 of the child of the female parent under the Uniform Parentage
32 Act (Part 3 (commencing with Section 7600) of Division 12 of
33 the Family Code).

34 (E) A child of a party or a child who is the subject of an action
35 under the Uniform Parentage Act, where the presumption applies
36 that the male parent is the father of the child to be protected.

37 (F) Any other person related by consanguinity or affinity
38 within the second degree.

39 (3) “Deadly weapon” means any weapon, the possession or
40 concealed carrying of which is prohibited by Section 12020.

1 (b) A sheriff, undersheriff, deputy sheriff, marshal, deputy
 2 marshal, or police officer of a city, as defined in subdivision (a)
 3 of Section 830.1, a peace officer of the Department of the
 4 California Highway Patrol, as defined in subdivision (a) of
 5 Section 830.2, a member of the University of California Police
 6 Department, as defined in subdivision (b) of Section 830.2, an
 7 officer listed in Section 830.6 while acting in the course and
 8 scope of his or her employment as a peace officer, a member of a
 9 California State University Police Department, as defined in
 10 subdivision (c) of Section 830.2, a peace officer of the
 11 Department of Parks and Recreation, as defined in subdivision (f)
 12 of Section 830.2, a peace officer, as defined in subdivision (d) of
 13 Section 830.31, a peace officer, as defined in subdivisions (a) and
 14 (b) of Section 830.32, and a peace officer, as defined in Section
 15 830.5, who is at the scene of a domestic violence incident
 16 involving a threat to human life or a physical assault, shall take
 17 temporary custody of any firearm or other deadly weapon in
 18 plain sight or discovered pursuant to a consensual or other lawful
 19 search as necessary for the protection of the peace officer or
 20 other persons present. Upon taking custody of a firearm or other
 21 deadly weapon, the officer shall give the owner or person who
 22 possessed the firearm a receipt. The receipt shall describe the
 23 firearm or other deadly weapon and list any identification or
 24 serial number on the firearm. The receipt shall indicate where the
 25 firearm or other deadly weapon can be recovered, the time limit
 26 for recovery as required by this section, and the date after which
 27 the owner or possessor can recover the firearm or other deadly
 28 weapon. No firearm or other deadly weapon shall be held less
 29 than 48 hours. Except as provided in subdivision (f), if a firearm
 30 or other deadly weapon is not retained for use as evidence related
 31 to criminal charges brought as a result of the domestic violence
 32 incident or is not retained because it was illegally possessed, the
 33 firearm or other deadly weapon shall be made available to the
 34 owner or person who was in lawful possession 48 hours after the
 35 seizure or as soon thereafter as possible, but no later than five
 36 business days after the ~~seizure~~ *owner or person who was in*
 37 *lawful possession demonstrates compliance with Section*
 38 *12021.3*. In any civil action or proceeding for the return of
 39 firearms or ammunition or other deadly weapon seized by any
 40 state or local law enforcement agency and not returned within

1 five business days following the initial seizure, except as
2 provided in subdivision (d), the court shall allow reasonable
3 attorney's fees to the prevailing party.

4 (c) Any peace officer, as defined in subdivisions (a) and (b) of
5 Section 830.32, who takes custody of a firearm or deadly weapon
6 pursuant to this section shall deliver the firearm within 24 hours
7 to the city police department or county sheriff's office in the
8 jurisdiction where the college or school is located.

9 (d) Any firearm or other deadly weapon that has been taken
10 into custody that has been stolen shall be restored to the lawful
11 owner, as soon as its use for evidence has been served, upon his
12 or her identification of the firearm or other deadly weapon and
13 proof of ownership, and after the law enforcement agency has
14 complied with Section 12021.3.

15 (e) Any firearm or other deadly weapon taken into custody and
16 held by a police, university police, or sheriff's department or by
17 a marshal's office, by a peace officer of the Department of the
18 California Highway Patrol, as defined in subdivision (a) of
19 Section 830.2, by a peace officer of the Department of Parks and
20 Recreation, as defined in subdivision (f) of Section 830.2, by a
21 peace officer, as defined in subdivision (d) of Section 830.31, or
22 by a peace officer, as defined in Section 830.5, for longer than 12
23 months and not recovered by the owner or person who has lawful
24 possession at the time it was taken into custody, shall be
25 considered a nuisance and sold or destroyed as provided in
26 subdivision (c) of Section 12028. Firearms or other deadly
27 weapons not recovered within 12 months due to an extended
28 hearing process as provided in subdivision (j), are not subject to
29 destruction until the court issues a decision, and then only if the
30 court does not order the return of the firearm or other deadly
31 weapon to the owner.

32 (f) In those cases in which a law enforcement agency has
33 reasonable cause to believe that the return of a firearm or other
34 deadly weapon would be likely to result in endangering the
35 victim or the person reporting the assault or threat, the agency
36 shall advise the owner of the firearm or other deadly weapon, and
37 within 60 days of the date of seizure, initiate a petition in
38 superior court to determine if the firearm or other deadly weapon
39 should be returned. The law enforcement agency may make an ex
40 parte application stating good cause for an order extending the

1 time to file a petition. Including any extension of time granted in
2 response to an ex parte request, a petition must be filed within 90
3 days of the date of seizure of the firearm or other deadly weapon.

4 (g) The law enforcement agency shall inform the owner or
5 person who had lawful possession of the firearm or other deadly
6 weapon, at that person's last known address by registered mail,
7 return receipt requested, that he or she has 30 days from the date
8 of receipt of the notice to respond to the court clerk to confirm
9 his or her desire for a hearing, and that the failure to respond
10 shall result in a default order forfeiting the confiscated firearm or
11 other deadly weapon. For the purposes of this subdivision, the
12 person's last known address shall be presumed to be the address
13 provided to the law enforcement officer by that person at the time
14 of the family violence incident. In the event the person whose
15 firearm or other deadly weapon was seized does not reside at the
16 last address provided to the agency, the agency shall make a
17 diligent, good faith effort to learn the whereabouts of the person
18 and to comply with these notification requirements.

19 (h) If the person requests a hearing, the court clerk shall set a
20 hearing no later than 30 days from receipt of that request. The
21 court clerk shall notify the person, the law enforcement agency
22 involved, and the district attorney of the date, time, and place of
23 the hearing. Unless it is shown by a preponderance of the
24 evidence that the return of the firearm or other deadly weapon
25 would result in endangering the victim or the person reporting
26 the assault or threat, the court shall order the return of the firearm
27 or other deadly weapon and shall award reasonable attorney's
28 fees to the prevailing party.

29 (i) If the person does not request a hearing or does not
30 otherwise respond within 30 days of the receipt of the notice, the
31 law enforcement agency may file a petition for an order of
32 default and may dispose of the firearm or other deadly weapon as
33 provided in Section 12028.

34 (j) If, at the hearing, the court does not order the return of the
35 firearm or other deadly weapon to the owner or person who had
36 lawful possession, that person may petition the court for a second
37 hearing within 12 months from the date of the initial hearing. If
38 there is a petition for a second hearing, unless it is shown by
39 clear and convincing evidence that the return of the firearm or
40 other deadly weapon would result in endangering the victim or

1 the person reporting the assault or threat, the court shall order the
2 return of the firearm or other deadly weapon and shall award
3 reasonable attorney's fees to the prevailing party. If the owner or
4 person who had lawful possession does not petition the court
5 within this 12-month period for a second hearing or is
6 unsuccessful at the second hearing in gaining return of the
7 firearm or other deadly weapon, the firearm or other deadly
8 weapon may be disposed of as provided in Section 12028.

9 (k) The law enforcement agency, or the individual law
10 enforcement officer, shall not be liable for any act in the good
11 faith exercise of this section.

12 SEC. 12. Section 12035 of the Penal Code is amended to
13 read:

14 12035. (a) As used in this section, the following definitions
15 apply:

16 (1) "Locking device" means a device that is designed to
17 prevent the firearm from functioning and when applied to the
18 firearm, renders the firearm inoperable.

19 (2) "Loaded firearm" has the same meaning as set forth in
20 subdivision (g) of Section 12031.

21 (3) "Child" means a person under 18 years of age.

22 (4) "Great bodily injury" has the same meaning as set forth in
23 Section 12022.7.

24 (5) "Locked container" has the same meaning as set forth in
25 subdivision (d) of Section 12026.2.

26 (b) (1) Except as provided in subdivision (c), a person
27 commits the crime of "criminal storage of a firearm of the first
28 degree" if he or she keeps any loaded firearm within any
29 premises that are under his or her custody or control and he or
30 she knows or reasonably should know that a child is likely to
31 gain access to the firearm without the permission of the child's
32 parent or legal guardian and the child obtains access to the
33 firearm and thereby causes death or great bodily injury to
34 himself, herself, or any other person.

35 (2) Except as provided in subdivision (c), a person commits
36 the crime of "criminal storage of a firearm of the second degree"
37 if he or she keeps any loaded firearm within any premises that
38 are under his or her custody or control and he or she knows or
39 reasonably should know that a child is likely to gain access to the
40 firearm without the permission of the child's parent or legal

1 guardian and the child obtains access to the firearm and thereby
2 causes injury, other than great bodily injury, to himself, herself,
3 or any other person, or carries the firearm either to a public place
4 or in violation of Section 417.

5 (c) Subdivision (b) shall not apply whenever any of the
6 following occurs:

7 (1) The child obtains the firearm as a result of an illegal entry
8 to any premises by any person.

9 (2) The firearm is kept in a locked container or in a location
10 that a reasonable person would believe to be secure.

11 (3) The firearm is carried on the person or within such a close
12 proximity thereto that the individual can readily retrieve and use
13 the firearm as if carried on the person.

14 (4) The firearm is locked with a locking device that has
15 rendered the firearm inoperable.

16 (5) The person is a peace officer or a member of the armed
17 forces or National Guard and the child obtains the firearm during,
18 or incidental to, the performance of the person's duties.

19 (6) The child obtains, or obtains and discharges, the firearm in
20 a lawful act of self-defense or defense of another person, or
21 persons.

22 (7) The person who keeps a loaded firearm on any premise
23 that is under his or her custody or control has no reasonable
24 expectation, based on objective facts and circumstances, that a
25 child is likely to be present on the premises.

26 (d) Criminal storage of a firearm is punishable as follows:

27 (1) Criminal storage of a firearm in the first degree, by
28 imprisonment in the state prison for 16 months, or two or three
29 years, by a fine not exceeding ten thousand dollars (\$10,000), or
30 by both that imprisonment and fine; or by imprisonment in a
31 county jail not exceeding one year, by a fine not exceeding one
32 thousand dollars (\$1,000), or by both that fine and imprisonment.

33 (2) Criminal storage of a firearm in the second degree, by
34 imprisonment in a county jail not exceeding one year, by a fine
35 not exceeding one thousand dollars (\$1,000), or by both that
36 imprisonment and fine.

37 (e) If the person who allegedly violated this section is the
38 parent or guardian of a child who is injured or who dies as the
39 result of an accidental shooting, the district attorney shall
40 consider, among other factors, the impact of the injury or death

1 on the person alleged to have violated this section when deciding
2 whether to prosecute an alleged violation. It is the Legislature's
3 intent that a parent or guardian of a child who is injured or who
4 dies as the result of an accidental shooting shall be prosecuted
5 only in those instances in which the parent or guardian behaved
6 in a grossly negligent manner or where similarly egregious
7 circumstances exist. This subdivision shall not otherwise restrict,
8 in any manner, the factors that a district attorney may consider
9 when deciding whether to prosecute alleged violations of this
10 section.

11 (f) If the person who allegedly violated this section is the
12 parent or guardian of a child who is injured or who dies as the
13 result of an accidental shooting, no arrest of the person for the
14 alleged violation of this section shall occur until at least seven
15 days after the date upon which the accidental shooting occurred.

16 In addition to the limitation contained in this subdivision, a law
17 enforcement officer shall consider the health status of a child
18 who suffers great bodily injury as the result of an accidental
19 shooting prior to arresting a person for a violation of this section,
20 if the person to be arrested is the parent or guardian of the injured
21 child. The intent of this subdivision is to encourage law
22 enforcement officials to delay the arrest of a parent or guardian
23 of a seriously injured child while the child remains on
24 life-support equipment or is in a similarly critical medical
25 condition.

26 (g) (1) The fact that the person who allegedly violated this
27 section attended a firearm safety training course prior to the
28 purchase of the firearm that is obtained by a child in violation of
29 this section shall be considered a mitigating factor by a district
30 attorney when he or she is deciding whether to prosecute the
31 alleged violation.

32 (2) In any action or trial commenced under this section, the
33 fact that the person who allegedly violated this section attended a
34 firearm safety training course prior to the purchase of the firearm
35 that is obtained by a child in violation of this section, shall be
36 admissible.

37 (h) Every person licensed under Section 12071 shall post
38 within the licensed premises the notice required by ~~paragraph (7)~~
39 ~~of subdivision (b) of that section~~ *Section 12071.4*, disclosing the

1 duty imposed by this section upon any person who keeps a
2 loaded firearm.

3 SEC. 13. Section 12036 of the Penal Code is amended to
4 read:

5 12036. (a) As used in this section, the following definitions
6 shall apply:

7 (1) “Locking device” means a device that is designed to
8 prevent the firearm from functioning and when applied to the
9 firearm, renders the firearm inoperable.

10 (2) “Child” means a person under the age of 18 years.

11 (3) “Off-premises” means premises other than the premises
12 where the firearm was stored.

13 (4) “Locked container” has the same meaning as set forth in
14 subdivision (d) of Section 12026.2.

15 (b) A person who keeps a pistol, revolver, or other firearm
16 capable of being concealed upon the person, loaded or unloaded,
17 within any premises that are under his or her custody or control
18 and he or she knows or reasonably should know that a child is
19 likely to gain access to that firearm without the permission of the
20 child’s parent or legal guardian and the child obtains access to
21 that firearm and thereafter carries that firearm off-premises, shall
22 be punished by imprisonment in a county jail not exceeding one
23 year, by a fine not exceeding one thousand dollars (\$1,000), or
24 by both that imprisonment and fine.

25 (c) A person who keeps any firearm within any premises that
26 is under his or her custody or control and he or she knows or
27 reasonably should know that a child is likely to gain access to the
28 firearm without the permission of the child’s parent or legal
29 guardian and the child obtains access to the firearm and
30 thereafter carries that firearm off-premises to any public or
31 private preschool, elementary school, middle school, high school,
32 or to any school-sponsored event, activity, or performance
33 whether occurring on school grounds or elsewhere, shall be
34 punished by imprisonment in a county jail not exceeding one
35 year, by a fine not exceeding five thousand dollars (\$5,000), or
36 by both that imprisonment and fine.

37 (d) A pistol, revolver, or other firearm capable of being
38 concealed upon the person that a child gains access to and carries
39 off-premises in violation of this section shall be deemed “used in
40 the commission of any misdemeanor as provided in this code or

1 any felony” for the purpose of subdivision (b) of Section 12028
2 regarding the authority to confiscate firearms and other deadly
3 weapons as a nuisance.

4 (e) This section shall not apply if any one of the following
5 circumstances exists:

6 (1) The child obtains the ~~pistol, revolver, or other firearm~~
7 ~~capable of being concealed upon the person~~ *firearm* as a result of
8 an illegal entry into any premises by any person.

9 (2) The ~~pistol, revolver, or other firearm capable of being~~
10 ~~concealed upon the person~~ *firearm* is kept in a locked container
11 or in a location that a reasonable person would believe to be
12 secure.

13 (3) The ~~pistol, revolver, or other firearm capable of being~~
14 ~~concealed upon the person~~ *firearm* is locked with a locking
15 device that has rendered the firearm inoperable.

16 (4) The ~~pistol, revolver, or other firearm capable of being~~
17 ~~concealed upon a person~~ *firearm* is carried on the person within
18 such a close range that the individual can readily retrieve and use
19 the firearm as if carried on the person.

20 (5) The person is a peace officer or a member of the Armed
21 Forces or National Guard and the child obtains the ~~pistol,~~
22 ~~revolver, or other firearm capable of being concealed upon the~~
23 ~~person~~ *firearm* during, or incidental to, the performance of the
24 person’s duties.

25 (6) The child obtains, or obtains and discharges, the ~~pistol,~~
26 ~~revolver, or other firearm capable of being concealed upon the~~
27 ~~person~~ *firearm* in a lawful act of self-defense or defense of
28 another person or persons.

29 (7) The person who keeps a ~~pistol, revolver, or other firearm~~
30 ~~capable of being concealed upon the person~~ *firearm* has no
31 reasonable expectation, based on objective facts and
32 circumstances, that a child is likely to be present on the premises.

33 (f) If the person who allegedly violated this section is the
34 parent or guardian of a child who is injured or who dies as the
35 result of an accidental shooting, the district attorney shall
36 consider, among other factors, the impact of the injury or death
37 on the person alleged to have violated this section when deciding
38 whether to prosecute the alleged violation. It is the Legislature’s
39 intent that a parent or guardian of a child who is injured or who
40 dies as the result of an accidental shooting shall be prosecuted

1 only in those instances in which the parent or guardian behaved
2 in a grossly negligent manner or where similarly egregious
3 circumstances exist. This subdivision shall not otherwise restrict,
4 in any manner, the factors that a district attorney may consider
5 when deciding whether to prosecute alleged violations of this
6 section.

7 (g) If the person who allegedly violated this section is the
8 parent or guardian of a child who is injured or who dies as the
9 result of an accidental shooting, no arrest of the person for the
10 alleged violation of this section shall occur until at least seven
11 days after the date upon which the accidental shooting occurred.

12 In addition to the limitation contained in this subdivision, a law
13 enforcement officer shall consider the health status of a child
14 who suffers great bodily injury as the result of an accidental
15 shooting prior to arresting a person for a violation of this section,
16 if the person to be arrested is the parent or guardian of the injured
17 child. The intent of this subdivision is to encourage law
18 enforcement officials to delay the arrest of a parent or guardian
19 of a seriously injured child while the child remains on
20 life-support equipment or is in a similarly critical medical
21 condition.

22 (h) (1) The fact that the person who allegedly violated this
23 section attended a firearm safety training course prior to the
24 purchase of the firearm that is obtained by a child in violation of
25 this section shall be considered a mitigating factor by a district
26 attorney when he or she is deciding whether to prosecute the
27 alleged violation.

28 (2) In any action or trial commenced under this section, the
29 fact that the person who allegedly violated this section attended a
30 firearm safety training course prior to the purchase of the firearm
31 that is obtained by a child in violation of this section, shall be
32 admissible.

33 (i) Every person licensed under Section 12071 shall post
34 within the licensed premises the notice required by ~~paragraph (7)~~
35 ~~of subdivision (b) of that section~~ *Section 12071.4*, disclosing the
36 duty imposed by this section upon any person who keeps any
37 firearm.

38 SEC. 14. Section 12070 of the Penal Code is amended to
39 read:

1 12070. (a) No person shall sell, lease, or transfer firearms
2 unless he or she has been issued a license pursuant to Section
3 12071. Any person violating this section is guilty of a
4 misdemeanor.

5 (b) Subdivision (a) does not include any of the following:

6 (1) The sale, lease, or transfer of any firearm by a person
7 acting pursuant to operation of law, a court order, or pursuant to
8 the Enforcement of Judgments Law (Title 9 (commencing with
9 Section 680.010) of Part 2 of the Code of Civil Procedure), or by
10 a person who liquidates a personal firearm collection to satisfy a
11 court judgment.

12 (2) A person acting pursuant to subdivision (e) of Section
13 186.22a or subdivision (c) of Section 12028.

14 (3) The sale, lease, or transfer of a firearm by a person who
15 obtains title to the firearm by intestate succession or by bequest
16 or as a surviving spouse pursuant to Chapter 1 (commencing with
17 Section 13500) of Part 2 of Division 8 of the Probate Code,
18 provided the person disposes of the firearm within 60 days of
19 receipt of the firearm.

20 (4) The infrequent sale, lease, or transfer of firearms.

21 (5) The sale, lease, or transfer of used firearms other than
22 pistols, revolvers, or other firearms capable of being concealed
23 upon the person, at gun shows or events, as specified in
24 ~~subparagraph (B) of paragraph (1) of subdivision (b) of Section~~
25 ~~12071~~ 12071.1, by a person other than a licensee or dealer,
26 provided the person has a valid federal firearms license and a
27 current certificate of eligibility issued by the Department of
28 Justice, as specified in Section 12071, and provided all the sales,
29 leases, or transfers fully comply with subdivision (d) of Section
30 12072. However, the person shall not engage in the sale, lease, or
31 transfer of used firearms other than pistols, revolvers, or other
32 firearms capable of being concealed upon the person at more
33 than 12 gun shows or events in any calendar year and shall not
34 sell, lease, or transfer more than 15 used firearms other than
35 pistols, revolvers, or other firearms capable of being concealed
36 upon the person at any single gun show or event. In no event
37 shall the person sell more than 75 used firearms other than
38 pistols, revolvers, or other firearms capable of being concealed
39 upon the person in any calendar year.

1 A person described in this paragraph shall be known as a “Gun
2 Show Trader.”

3 The Department of Justice shall adopt regulations to administer
4 this program and shall recover the full costs of administration
5 from fees assessed applicants.

6 As used in this paragraph, the term “used firearm” means a
7 firearm that has been sold previously at retail and is more than
8 three years old.

9 ~~(6) The activities of a law enforcement agency pursuant to~~
10 ~~Section 12084.~~

11 ~~(7) Deliveries, sales, or transfers of firearms between or to~~
12 ~~importers and manufacturers of firearms licensed to engage in~~
13 ~~business pursuant to Chapter 44 (commencing with Section 921)~~
14 ~~of Title 18 of the United States Code and the regulations issued~~
15 ~~pursuant thereto.~~

16 ~~(8)–~~
17 (7) The sale, delivery, or transfer of firearms by manufacturers
18 or importers licensed pursuant to Chapter 44 (commencing with
19 Section 921) of Title 18 of the United States Code and the
20 regulations issued pursuant thereto to dealers or wholesalers.

21 ~~(9)–~~
22 (8) Deliveries and transfers of firearms made pursuant to
23 Section 12028, 12028.5, or 12030.

24 ~~(10)–~~
25 (9) The loan of a firearm for the purposes of shooting at
26 targets, if the loan occurs on the premises of a target facility
27 which holds a business or regulatory license or on the premises
28 of any club or organization organized for the purposes of
29 practicing shooting at targets upon established ranges, whether
30 public or private, if the firearm is at all times kept within the
31 premises of the target range or on the premises of the club or
32 organization.

33 ~~(11)–~~
34 (10) Sales, deliveries, or transfers of firearms by
35 manufacturers, importers, or wholesalers licensed pursuant to
36 Chapter 44 (commencing with Section 921) of Title 18 of the
37 United States Code and the regulations issued pursuant thereto to
38 persons who reside outside this state who are licensed pursuant to
39 Chapter 44 (commencing with Section 921) of Title 18 of the
40 United States Code and the regulations issued pursuant thereto, if

1 the sale, delivery, or transfer is in accordance with Chapter 44
2 (commencing with Section 921) of Title 18 of the United States
3 Code and the regulations issued pursuant thereto.

4 ~~(12)–~~

5 (11) Sales, deliveries, or transfers of firearms by persons who
6 reside outside this state and are licensed outside this state
7 pursuant to Chapter 44 (commencing with Section 921) of Title
8 18 of the United States Code and the regulations issued pursuant
9 thereto to wholesalers, manufacturers, or importers, if the sale,
10 delivery, or transfer is in accordance with Chapter 44
11 (commencing with Section 921) of Title 18 of the United States
12 Code and the regulations issued pursuant thereto.

13 ~~(13)–~~

14 (12) Sales, deliveries, or transfers of firearms by wholesalers
15 to dealers.

16 ~~(14)–~~

17 (13) Sales, deliveries, or transfers of firearms by persons who
18 reside outside this state to persons licensed pursuant to Section
19 12071, if the sale, delivery, or transfer is in accordance with
20 Chapter 44 (commencing with Section 921) of Title 18 of the
21 United States Code, and the regulations issued pursuant thereto.

22 ~~(15)–~~

23 (14) Sales, deliveries, or transfers of firearms by persons who
24 reside outside this state and are licensed pursuant to Chapter 44
25 (commencing with Section 921) of Title 18 of the United States
26 Code and the regulations issued pursuant thereto to dealers, if the
27 sale, delivery, or transfer is in accordance with Chapter 44
28 (commencing with Section 921) of Title 18 of the United States
29 Code and the regulations issued pursuant thereto.

30 ~~(16)–~~

31 (15) The delivery, sale, or transfer of an unloaded firearm by
32 one wholesaler to another wholesaler if that firearm is intended
33 as merchandise in the receiving wholesaler's business.

34 ~~(17)–~~

35 (16) The loan of an unloaded firearm or the loan of a firearm
36 loaded with blank cartridges for use solely as a prop for a motion
37 picture, television, or video production or entertainment or
38 theatrical event.

39 ~~(18)–~~

1 (17) The delivery of an unloaded firearm that is a curio or
2 relic, as defined in Section 478.11 of Title 27 of the Code of
3 Federal Regulations, by a person licensed as a collector pursuant
4 to Chapter 44 (commencing with Section 921) of Title 18 of the
5 United States Code and the regulations issued pursuant thereto
6 with a current certificate of eligibility issued pursuant to Section
7 12071 to a dealer.

8 (18) *The loan of a firearm by a security company, or the*
9 *authorized representative of a branch of that company located in*
10 *this state, to an authorized employee thereof who is authorized to*
11 *carry a firearm in accordance with subdivision (d) of Section*
12 *12031 in the course and scope of employment, if the firearm is*
13 *loaned to the authorized employee to carry in the course and*
14 *scope of employment.*

15 (c) (1) As used in this section, “infrequent” means:

16 (A) For pistols, revolvers, and other firearms capable of being
17 concealed upon the person, less than six transactions per calendar
18 year. For this purpose, “transaction” means a single sale, lease, or
19 transfer of any number of pistols, revolvers, or other firearms
20 capable of being concealed upon the person.

21 (B) For firearms other than pistols, revolvers, or other firearms
22 capable of being concealed upon the person, occasional and
23 without regularity.

24 (2) As used in this section, “operation of law” includes, but is
25 not limited to, any of the following:

26 (A) The executor or administrator of an estate, if the estate
27 includes firearms.

28 (B) A secured creditor or an agent or employee thereof when
29 the firearms are possessed as collateral for, or as a result of, a
30 default under a security agreement under the Commercial Code.

31 (C) A levying officer, as defined in Section 481.140, 511.060,
32 or 680.260 of the Code of Civil Procedure.

33 (D) A receiver performing his or her functions as a receiver, if
34 the receivership estate includes firearms.

35 (E) A trustee in bankruptcy performing his or her duties, if the
36 bankruptcy estate includes firearms.

37 (F) An assignee for the benefit of creditors performing his or
38 her functions as an assignee, if the assignment includes firearms.

39 (G) A transmutation of property between spouses pursuant to
40 Section 850 of the Family Code.

1 (H) Firearms received by the family of a police officer or
2 deputy sheriff from a local agency pursuant to Section 50081 of
3 the Government Code.

4 (I) The transfer of a firearm by a law enforcement agency to
5 the person who found the firearm where the delivery is to the
6 person as the finder of the firearm pursuant to Article 1
7 (commencing with Section 2080) of Chapter 4 of Division 3 of
8 the Civil Code.

9 SEC. 15. Section 12071 of the Penal Code is repealed.

10 ~~12071. (a) (1) As used in this chapter, the term “licensee,”~~
11 ~~“person licensed pursuant to Section 12071,” or “dealer” means a~~
12 ~~person who has all of the following:~~

13 ~~(A) A valid federal firearms license.~~

14 ~~(B) Any regulatory or business license, or licenses, required~~
15 ~~by local government.~~

16 ~~(C) A valid seller’s permit issued by the State Board of~~
17 ~~Equalization.~~

18 ~~(D) A certificate of eligibility issued by the Department of~~
19 ~~Justice pursuant to paragraph (4).~~

20 ~~(E) A license issued in the format prescribed by paragraph (6).~~

21 ~~(F) Is among those recorded in the centralized list specified in~~
22 ~~subdivision (c).~~

23 ~~(2) The duly constituted licensing authority of a city, county,~~
24 ~~or a city and county shall accept applications for, and may grant~~
25 ~~licenses permitting, licensees to sell firearms at retail within the~~
26 ~~city, county, or city and county. The duly constituted licensing~~
27 ~~authority shall inform applicants who are denied licenses of the~~
28 ~~reasons for the denial in writing.~~

29 ~~(3) No license shall be granted to any applicant who fails to~~
30 ~~provide a copy of his or her valid federal firearms license, valid~~
31 ~~seller’s permit issued by the State Board of Equalization, and the~~
32 ~~certificate of eligibility described in paragraph (4).~~

33 ~~(4) A person may request a certificate of eligibility from the~~
34 ~~Department of Justice and the Department of Justice shall issue a~~
35 ~~certificate to an applicant if the department’s records indicate that~~
36 ~~the applicant is not a person who is prohibited from possessing~~
37 ~~firearms.~~

38 ~~(5) The department shall adopt regulations to administer the~~
39 ~~certificate of eligibility program and shall recover the full costs~~

1 of administering the program by imposing fees assessed to
2 applicants who apply for those certificates.

3 (6) A license granted by the duly constituted licensing
4 authority of any city, county, or city and county, shall be valid
5 for not more than one year from the date of issuance and shall be
6 in one of the following forms:

7 (A) In the form prescribed by the Attorney General.

8 (B) A regulatory or business license that states on its face
9 “Valid for Retail Sales of Firearms” and is endorsed by the
10 signature of the issuing authority.

11 (C) A letter from the duly constituted licensing authority
12 having primary jurisdiction for the applicant’s intended business
13 location stating that the jurisdiction does not require any form of
14 regulatory or business license or does not otherwise restrict or
15 regulate the sale of firearms.

16 (7) Local licensing authorities may assess fees to recover their
17 full costs of processing applications for licenses.

18 (b) A license is subject to forfeiture for a breach of any of the
19 following prohibitions and requirements:

20 (1) (A) Except as provided in subparagraphs (B) and (C), the
21 business shall be conducted only in the buildings designated in
22 the license.

23 (B) A person licensed pursuant to subdivision (a) may take
24 possession of firearms and commence preparation of registers for
25 the sale, delivery, or transfer of firearms at gun shows or events,
26 as defined in Section 478.100 of Title 27 of the Code of Federal
27 Regulations, or its successor, if the gun show or event is not
28 conducted from any motorized or towed vehicle. A person
29 conducting business pursuant to this subparagraph shall be
30 entitled to conduct business as authorized herein at any gun show
31 or event in the state without regard to the jurisdiction within this
32 state that issued the license pursuant to subdivision (a), provided
33 the person complies with (i) all applicable laws, including, but
34 not limited to, the waiting period specified in subparagraph (A)
35 of paragraph (3), and (ii) all applicable local laws, regulations,
36 and fees, if any.

37 A person conducting business pursuant to this subparagraph
38 shall publicly display his or her license issued pursuant to
39 subdivision (a), or a facsimile thereof, at any gun show or event,
40 as specified in this subparagraph.

1 ~~(C) A person licensed pursuant to subdivision (a) may engage~~
2 ~~in the sale and transfer of firearms other than pistols, revolvers,~~
3 ~~or other firearms capable of being concealed upon the person, at~~
4 ~~events specified in subdivision (g) of Section 12078, subject to~~
5 ~~the prohibitions and restrictions contained in that subdivision.~~

6 ~~A person licensed pursuant to subdivision (a) also may accept~~
7 ~~delivery of firearms other than pistols, revolvers, or other~~
8 ~~firearms capable of being concealed upon the person, outside the~~
9 ~~building designated in the license, provided the firearm is being~~
10 ~~donated for the purpose of sale or transfer at an auction or similar~~
11 ~~event specified in subdivision (g) of Section 12078.~~

12 ~~(D) The firearm may be delivered to the purchaser, transferee,~~
13 ~~or person being loaned the firearm at one of the following places:~~

14 ~~(i) The building designated in the license.~~

15 ~~(ii) The places specified in subparagraph (B) or (C).~~

16 ~~(iii) The place of residence of, the fixed place of business of,~~
17 ~~or on private property owned or lawfully possessed by, the~~
18 ~~purchaser, transferee, or person being loaned the firearm.~~

19 ~~(2) The license or a copy thereof, certified by the issuing~~
20 ~~authority, shall be displayed on the premises where it can easily~~
21 ~~be seen.~~

22 ~~(3) No firearm shall be delivered:~~

23 ~~(A) Within 10 days of the application to purchase, or, after~~
24 ~~notice by the department pursuant to subdivision (d) of Section~~
25 ~~12076, within 10 days of the submission to the department of any~~
26 ~~correction to the application, or within 10 days of the submission~~
27 ~~to the department of any fee required pursuant to subdivision (e)~~
28 ~~of Section 12076, whichever is later.~~

29 ~~(B) Unless unloaded and securely wrapped or unloaded and in~~
30 ~~a locked container.~~

31 ~~(C) Unless the purchaser, transferee, or person being loaned~~
32 ~~the firearm presents clear evidence of his or her identity and age~~
33 ~~to the dealer.~~

34 ~~(D) Whenever the dealer is notified by the Department of~~
35 ~~Justice that the person is in a prohibited class described in~~
36 ~~Section 12021 or 12021.1 of this code or Section 8100 or 8103 of~~
37 ~~the Welfare and Institutions Code. The dealer shall make~~
38 ~~available to the person in the prohibited class a prohibited notice~~
39 ~~and transfer form, provided by the department, stating that the~~
40 ~~person is prohibited from owning or possessing a firearm, and~~

1 that the person may obtain from the department the reason for the
2 prohibition.

3 ~~(4) No pistol, revolver, or other firearm or imitation thereof~~
4 ~~capable of being concealed upon the person, or placard~~
5 ~~advertising the sale or other transfer thereof, shall be displayed in~~
6 ~~any part of the premises where it can readily be seen from the~~
7 ~~outside.~~

8 ~~(5) The licensee shall agree to and shall act properly and~~
9 ~~promptly in processing firearms transactions pursuant to Section~~
10 ~~12082.~~

11 ~~(6) The licensee shall comply with Sections 12073, 12076, and~~
12 ~~12077, subdivisions (a) and (b) and paragraph (1) of subdivision~~
13 ~~(f) of Section 12072, and subdivision (a) of Section 12316.~~

14 ~~(7) The licensee shall post conspicuously within the licensed~~
15 ~~premises the following warnings in block letters not less than one~~
16 ~~inch in height:~~

17 ~~(A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY~~
18 ~~PREMISES UNDER YOUR CUSTODY OR CONTROL, AND~~
19 ~~A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND~~
20 ~~USES IT, RESULTING IN INJURY OR DEATH, OR~~
21 ~~CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY~~
22 ~~OF A MISDEMEANOR OR A FELONY UNLESS YOU~~
23 ~~STORED THE FIREARM IN A LOCKED CONTAINER OR~~
24 ~~LOCKED THE FIREARM WITH A LOCKING DEVICE, TO~~
25 ~~KEEP IT FROM TEMPORARILY FUNCTIONING."~~

26 ~~(B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER~~
27 ~~FIREARM CAPABLE OF BEING CONCEALED UPON THE~~
28 ~~PERSON, WITHIN ANY PREMISES UNDER YOUR~~
29 ~~CUSTODY OR CONTROL, AND A PERSON UNDER 18~~
30 ~~YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND~~
31 ~~CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A~~
32 ~~MISDEMEANOR, UNLESS YOU STORED THE FIREARM~~
33 ~~IN A LOCKED CONTAINER, OR LOCKED THE FIREARM~~
34 ~~WITH A LOCKING DEVICE, TO KEEP IT FROM~~
35 ~~TEMPORARILY FUNCTIONING."~~

36 ~~(C) "IF YOU KEEP ANY FIREARM WITHIN ANY~~
37 ~~PREMISES UNDER YOUR CUSTODY OR CONTROL, AND~~
38 ~~A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO~~
39 ~~THE FIREARM, AND CARRIES IT OFF-PREMISES TO A~~
40 ~~SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY~~

1 ~~BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE~~
2 ~~OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS~~
3 ~~YOU STORED THE FIREARM IN A LOCKED CONTAINER,~~
4 ~~OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”~~

5 ~~(D) “DISCHARGING FIREARMS IN POORLY~~
6 ~~VENTILATED AREAS, CLEANING FIREARMS, OR~~
7 ~~HANDLING AMMUNITION MAY RESULT IN EXPOSURE~~
8 ~~TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH~~
9 ~~DEFECTS, REPRODUCTIVE HARM, AND OTHER~~
10 ~~SERIOUS PHYSICAL INJURY. HAVE ADEQUATE~~
11 ~~VENTILATION AT ALL TIMES. WASH HANDS~~
12 ~~THOROUGHLY AFTER EXPOSURE.”~~

13 ~~(E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU~~
14 ~~DO NOT TAKE PHYSICAL POSSESSION OF THE~~
15 ~~FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF~~
16 ~~WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL~~
17 ~~BACKGROUND CHECK PAPERWORK, THEN YOU HAVE~~
18 ~~TO GO THROUGH THE BACKGROUND CHECK PROCESS~~
19 ~~A SECOND TIME IN ORDER TO TAKE PHYSICAL~~
20 ~~POSSESSION OF THAT FIREARM.”~~

21 ~~(F) “NO PERSON SHALL MAKE AN APPLICATION TO~~
22 ~~PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR~~
23 ~~OTHER FIREARM CAPABLE OF BEING CONCEALED~~
24 ~~UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND~~
25 ~~NO DELIVERY SHALL BE MADE TO ANY PERSON WHO~~
26 ~~HAS MADE AN APPLICATION TO PURCHASE MORE~~
27 ~~THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM~~
28 ~~CAPABLE OF BEING CONCEALED UPON THE PERSON~~
29 ~~WITHIN ANY 30-DAY PERIOD.”~~

30 ~~(8) (A) Commencing April 1, 1994, and until January 1, 2003,~~
31 ~~no pistol, revolver, or other firearm capable of being concealed~~
32 ~~upon the person shall be delivered unless the purchaser,~~
33 ~~transferee, or person being loaned the firearm presents to the~~
34 ~~dealer a basic firearms safety certificate.~~

35 ~~(B) Commencing January 1, 2003, no dealer may deliver a~~
36 ~~handgun unless the person receiving the handgun presents to the~~
37 ~~dealer a valid handgun safety certificate. The firearms dealer~~
38 ~~shall retain a photocopy of the handgun safety certificate as proof~~
39 ~~of compliance with this requirement.~~

1 ~~(C) Commencing January 1, 2003, no handgun may be~~
2 ~~delivered unless the purchaser, transferee, or person being loaned~~
3 ~~the firearm presents documentation indicating that he or she is a~~
4 ~~California resident. Satisfactory documentation shall include a~~
5 ~~utility bill from within the last three months, a residential lease, a~~
6 ~~property deed, or military permanent duty station orders~~
7 ~~indicating assignment within this state, or other evidence of~~
8 ~~residency as permitted by the Department of Justice. The~~
9 ~~firearms dealer shall retain a photocopy of the documentation as~~
10 ~~proof of compliance with this requirement.~~

11 ~~(D) Commencing January 1, 2003, except as authorized by the~~
12 ~~department, no firearms dealer may deliver a handgun unless the~~
13 ~~recipient performs a safe handling demonstration with that~~
14 ~~handgun. The demonstration shall commence with the handgun~~
15 ~~unloaded and locked with the firearm safety device with which it~~
16 ~~is required to be delivered, if applicable. While maintaining~~
17 ~~muzzle awareness, that is, the firearm is pointed in a safe~~
18 ~~direction, preferably down at the ground, and trigger discipline,~~
19 ~~that is, the trigger finger is outside of the trigger guard and along~~
20 ~~side of the handgun frame, at all times, the handgun recipient~~
21 ~~shall correctly and safely perform the following:~~

22 ~~(i) If the handgun is a semiautomatic pistol:~~

23 ~~(I) Remove the magazine.~~

24 ~~(H) Lock the slide back. If the model of firearm does not allow~~
25 ~~the slide to be locked back, pull the slide back, visually and~~
26 ~~physically check the chamber to ensure that it is clear.~~

27 ~~(III) Visually and physically inspect the chamber, to ensure~~
28 ~~that the handgun is unloaded.~~

29 ~~(IV) Remove the firearm safety device, if applicable. If the~~
30 ~~firearm safety device prevents any of the previous steps, remove~~
31 ~~the firearm safety device during the appropriate step.~~

32 ~~(V) Load one bright orange, red, or other readily identifiable~~
33 ~~dummy round into the magazine. If no readily identifiable~~
34 ~~dummy round is available, an empty cartridge casing with an~~
35 ~~empty primer pocket may be used.~~

36 ~~(VI) Insert the magazine into the magazine well of the firearm.~~

37 ~~(VII) Manipulate the slide release or pull back and release the~~
38 ~~slide.~~

39 ~~(VIII) Remove the magazine.~~

1 ~~(IX) Visually inspect the chamber to reveal that a round can be~~
2 ~~chambered with the magazine removed.~~

3 ~~(X) Lock the slide back to eject the bright orange, red, or other~~
4 ~~readily identifiable dummy round. If the handgun is of a model~~
5 ~~that does not allow the slide to be locked back, pull the slide back~~
6 ~~and physically check the chamber to ensure that the chamber is~~
7 ~~clear. If no readily identifiable dummy round is available, an~~
8 ~~empty cartridge casing with an empty primer pocket may be~~
9 ~~used.~~

10 ~~(XI) Apply the safety, if applicable.~~

11 ~~(XII) Apply the firearm safety device, if applicable. This~~
12 ~~requirement shall not apply to an Olympic competition pistol if~~
13 ~~no firearms safety device, other than a cable lock that the~~
14 ~~department has determined would damage the barrel of the pistol,~~
15 ~~has been approved for the pistol, and the pistol is either listed in~~
16 ~~paragraph (2) of subdivision (h) of Section 12132 or is subject to~~
17 ~~paragraph (3) of subdivision (h) of Section 12132.~~

18 ~~(ii) If the handgun is a double-action revolver:~~

19 ~~(I) Open the cylinder.~~

20 ~~(II) Visually and physically inspect each chamber, to ensure~~
21 ~~that the revolver is unloaded.~~

22 ~~(III) Remove the firearm safety device. If the firearm safety~~
23 ~~device prevents any of the previous steps, remove the firearm~~
24 ~~safety device during the appropriate step.~~

25 ~~(IV) While maintaining muzzle awareness and trigger~~
26 ~~discipline, load one bright orange, red, or other readily~~
27 ~~identifiable dummy round into a chamber of the cylinder and~~
28 ~~rotate the cylinder so that the round is in the next-to-fire position.~~
29 ~~If no readily identifiable dummy round is available, an empty~~
30 ~~cartridge casing with an empty primer pocket may be used.~~

31 ~~(V) Close the cylinder.~~

32 ~~(VI) Open the cylinder and eject the round.~~

33 ~~(VII) Visually and physically inspect each chamber to ensure~~
34 ~~that the revolver is unloaded.~~

35 ~~(VIII) Apply the firearm safety device, if applicable. This~~
36 ~~requirement shall not apply to an Olympic competition pistol if~~
37 ~~no firearms safety device, other than a cable lock that the~~
38 ~~department has determined would damage the barrel of the pistol,~~
39 ~~has been approved for the pistol, and the pistol is either listed in~~

1 paragraph (2) of subdivision (h) of Section 12132 or is subject to
2 paragraph (3) of subdivision (h) of Section 12132.

3 (iii) If the handgun is a single-action revolver:

4 (I) Open the loading gate.

5 (II) Visually and physically inspect each chamber, to ensure
6 that the revolver is unloaded.

7 (III) Remove the firearm safety device required to be sold with
8 the handgun. If the firearm safety device prevents any of the
9 previous steps, remove the firearm safety device during the
10 appropriate step.

11 (IV) Load one bright orange, red, or other readily identifiable
12 dummy round into a chamber of the cylinder, close the loading
13 gate and rotate the cylinder so that the round is in the next-to-fire
14 position. If no readily identifiable dummy round is available, an
15 empty cartridge casing with an empty primer pocket may be
16 used.

17 (V) Open the loading gate and unload the revolver.

18 (VI) Visually and physically inspect each chamber to ensure
19 that the revolver is unloaded.

20 (VII) Apply the firearm safety device, if applicable. This
21 requirement shall not apply to an Olympic competition pistol if
22 no firearms safety device, other than a cable lock that the
23 department has determined would damage the barrel of the pistol,
24 has been approved for the pistol, and the pistol is either listed in
25 paragraph (2) of subdivision (h) of Section 12132 or is subject to
26 paragraph (3) of subdivision (h) of Section 12132.

27 (E) The recipient shall receive instruction regarding how to
28 render that handgun safe in the event of a jam.

29 (F) The firearms dealer shall sign and date an affidavit stating
30 that the requirements of subparagraph (D) have been met. The
31 firearms dealer shall additionally obtain the signature of the
32 handgun purchaser on the same affidavit. The firearms dealer
33 shall retain the original affidavit as proof of compliance with this
34 requirement.

35 (G) The recipient shall perform the safe handling
36 demonstration for a department certified instructor.

37 (H) No demonstration shall be required if the dealer is
38 returning the handgun to the owner of the handgun.

~~(I) Department certified instructors who may administer the safe handling demonstration shall meet the requirements set forth in subdivision (j) of Section 12804.~~

~~(J) The persons who are exempt from the requirements of subdivision (b) of Section 12801, pursuant to Section 12807, are also exempt from performing the safe handling demonstration.~~

~~(9) Commencing July 1, 1992, the licensee shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the pamphlet described in Section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm.~~

~~(10) The licensee shall not commit an act of collusion as defined in Section 12072.~~

~~(11) The licensee shall post conspicuously within the licensed premises a detailed list of each of the following:~~

~~(A) All charges required by governmental agencies for processing firearm transfers required by Sections 12076, 12082, and 12806.~~

~~(B) All fees that the licensee charges pursuant to Sections 12082 and 12806.~~

~~(12) The licensee shall not misstate the amount of fees charged by a governmental agency pursuant to Sections 12076, 12082, and 12806.~~

~~(13) The licensee shall report the loss or theft of any firearm that is merchandise of the licensee, any firearm that the licensee takes possession of pursuant to Section 12082, or any firearm kept at the licensee's place of business within 48 hours of discovery to the appropriate law enforcement agency in the city, county, or city and county where the licensee's business premises are located.~~

~~(14) Any time when the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:~~

~~(A) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.~~

~~(B) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be~~

1 ~~protected or shielded from the use of a bolt cutter and the rod or~~
2 ~~cable shall be anchored in a manner that prevents the removal of~~
3 ~~the firearm from the premises.~~

4 ~~(C) Store the firearm in a locked fireproof safe or vault in the~~
5 ~~licensee's business premises.~~

6 ~~(15) The licensing authority in an unincorporated area of a~~
7 ~~county or within a city may impose security requirements that are~~
8 ~~more strict or are at a higher standard than those specified in~~
9 ~~paragraph (14).~~

10 ~~(16) Commencing January 1, 1994, the licensee shall, upon the~~
11 ~~issuance or renewal of a license, submit a copy of the same to the~~
12 ~~Department of Justice.~~

13 ~~(17) The licensee shall maintain and make available for~~
14 ~~inspection during business hours to any peace officer, authorized~~
15 ~~local law enforcement employee, or Department of Justice~~
16 ~~employee designated by the Attorney General, upon the~~
17 ~~presentation of proper identification, a firearms transaction~~
18 ~~record.~~

19 ~~(18) (A) On the date of receipt, the licensee shall report to the~~
20 ~~Department of Justice in a format prescribed by the department~~
21 ~~the acquisition by the licensee of the ownership of a pistol,~~
22 ~~revolver, or other firearm capable of being concealed upon the~~
23 ~~person.~~

24 ~~(B) The provisions of this paragraph shall not apply to any of~~
25 ~~the following transactions:~~

26 ~~(i) A transaction subject to the provisions of subdivision (n) of~~
27 ~~Section 12078.~~

28 ~~(ii) The dealer acquired the firearm from a wholesaler.~~

29 ~~(iii) The dealer is also licensed as a secondhand dealer~~
30 ~~pursuant to Article 4 (commencing with Section 21625) of~~
31 ~~Chapter 9 of Division 8 of the Business and Professions Code.~~

32 ~~(iv) The dealer acquired the firearm from a person who is~~
33 ~~licensed as a manufacturer or importer to engage in those~~
34 ~~activities pursuant to Chapter 44 (commencing with Section 921)~~
35 ~~of Title 18 of the United States Code and any regulations issued~~
36 ~~pursuant thereto.~~

37 ~~(v) The dealer acquired the firearm from a person who resides~~
38 ~~outside this state who is licensed pursuant to Chapter 44~~
39 ~~(commencing with Section 921) of Title 18 of the United States~~
40 ~~Code and any regulations issued pursuant thereto.~~

~~(19) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in Section 478.102 (e) of Title 27 of the Code of Federal Regulations.~~

~~(20) (A) Firearms dealers may require any agent who handles, sells, or delivers firearms to obtain and provide to the dealer a certificate of eligibility from the department pursuant to paragraph (4) of subdivision (a). The agent or employee shall provide on the application, the name and California firearms dealer number of the firearms dealer with whom he or she is employed.~~

~~(B) The department shall notify the firearms dealer in the event that the agent or employee who has a certificate of eligibility is or becomes prohibited from possessing firearms.~~

~~(C) If the local jurisdiction requires a background check of the agents or employees of the firearms dealer, the agent or employee shall obtain a certificate of eligibility pursuant to subparagraph (A).~~

~~(D) Nothing in this paragraph shall be construed to preclude a local jurisdiction from conducting an additional background check pursuant to Section 11105 or prohibiting employment based on criminal history that does not appear as part of obtaining a certificate of eligibility, provided however, that the local jurisdiction may not charge a fee for the additional criminal history check.~~

~~(E) The licensee shall prohibit any agent who the licensee knows or reasonably should know is within a class of persons prohibited from possessing firearms pursuant to Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code, from coming into contact with any firearm that is not secured and from accessing any key, combination, code, or other means to open any of the locking devices described in clause (ii) of subparagraph (G) of this paragraph.~~

~~(F) Nothing in this paragraph shall be construed as preventing a local government from enacting an ordinance imposing additional conditions on licensees with regard to agents.~~

~~(G) For purposes of this section, the following definitions shall apply:~~

~~(i) An "agent" is an employee of the licensee.~~

1 (ii) ~~“Secured” means a firearm that is made inoperable in one~~
2 ~~or more of the following ways:~~

3 (I) ~~The firearm is inoperable because it is secured by a~~
4 ~~firearms safety device listed on the department’s roster of~~
5 ~~approved firearms safety devices pursuant to subdivision (d) of~~
6 ~~Section 12088 of this chapter.~~

7 (II) ~~The firearm is stored in a locked gun safe or long-gun safe~~
8 ~~which meets the standards for department-approved gun safes set~~
9 ~~forth in Section 12088.2.~~

10 (III) ~~The firearm is stored in a distinct locked room or area in~~
11 ~~the building that is used to store firearms that can only be~~
12 ~~unlocked by a key, a combination, or similar means.~~

13 (IV) ~~The firearm is secured with a hardened steel rod or cable~~
14 ~~that is at least one-eighth of an inch in diameter through the~~
15 ~~trigger guard of the firearm. The steel rod or cable shall be~~
16 ~~secured with a hardened steel lock that has a shackle. The lock~~
17 ~~and shackle shall be protected or shielded from the use of a bolt~~
18 ~~cutter and the rod or cable shall be anchored in a manner that~~
19 ~~prevents the removal of the firearm from the premises.~~

20 (e) (1) ~~As used in this article, “clear evidence of his or her~~
21 ~~identity and age” means either of the following:~~

22 (A) ~~A valid California driver’s license.~~

23 (B) ~~A valid California identification card issued by the~~
24 ~~Department of Motor Vehicles.~~

25 (2) ~~As used in this section, a “secure facility” means a building~~
26 ~~that meets all of the following specifications:~~

27 (A) ~~All perimeter doorways shall meet one of the following:~~

28 (i) ~~A windowless steel security door equipped with both a~~
29 ~~dead bolt and a doorknob lock.~~

30 (ii) ~~A windowed metal door that is equipped with both a dead~~
31 ~~bolt and a doorknob lock. If the window has an opening of five~~
32 ~~inches or more measured in any direction, the window shall be~~
33 ~~covered with steel bars of at least ½-inch diameter or metal~~
34 ~~grating of at least 9 gauge affixed to the exterior or interior of the~~
35 ~~door.~~

36 (iii) ~~A metal grate that is padlocked and affixed to the~~
37 ~~licensee’s premises independent of the door and doorframe.~~

38 (B) ~~All windows are covered with steel bars.~~

1 ~~(C) Heating, ventilating, air-conditioning, and service~~
2 ~~openings are secured with steel bars, metal grating, or an alarm~~
3 ~~system.~~

4 ~~(D) Any metal grates have spaces no larger than six inches~~
5 ~~wide measured in any direction.~~

6 ~~(E) Any metal screens have spaces no larger than three inches~~
7 ~~wide measured in any direction.~~

8 ~~(F) All steel bars shall be no further than six inches apart.~~

9 ~~(3) As used in this section, “licensed premises,” “licensed~~
10 ~~place of business,” “licensee’s place of business,” or “licensee’s~~
11 ~~business premises” means the building designated in the license.~~

12 ~~(4) For purposes of paragraph (17) of subdivision (b):~~

13 ~~(A) A “firearms transaction record” is a record containing the~~
14 ~~same information referred to in subdivision (a) of Section~~
15 ~~478.124, Section 478.124a, and subdivision (c) of Section~~
16 ~~478.125 of Title 27 of the Code of Federal Regulations.~~

17 ~~(B) A licensee shall be in compliance with the provisions of~~
18 ~~paragraph (17) of subdivision (b) if he or she maintains and~~
19 ~~makes available for inspection during business hours to any~~
20 ~~peace officer, authorized local law enforcement employee, or~~
21 ~~Department of Justice employee designated by the Attorney~~
22 ~~General, upon the presentation of proper identification, the bound~~
23 ~~book containing the same information referred to in Section~~
24 ~~478.124a and subdivision (c) of Section 478.125 of Title 27 of~~
25 ~~the Code of Federal Regulations and the records referred to in~~
26 ~~subdivision (a) of Section 478.124 of Title 27 of the Code of~~
27 ~~Federal Regulations.~~

28 ~~(d) Upon written request from a licensee, the licensing~~
29 ~~authority may grant an exemption from compliance with the~~
30 ~~requirements of paragraph (14) of subdivision (b) if the licensee~~
31 ~~is unable to comply with those requirements because of local~~
32 ~~ordinances, covenants, lease conditions, or similar circumstances~~
33 ~~not under the control of the licensee.~~

34 ~~(e) (1) Except as otherwise provided in this paragraph, the~~
35 ~~Department of Justice shall keep a centralized list of all persons~~
36 ~~licensed pursuant to subparagraphs (A) to (E), inclusive, of~~
37 ~~paragraph (1) of subdivision (a), and all persons who have~~
38 ~~submitted information pursuant to subdivision (a) of Section~~
39 ~~12083. The department may remove from this list any person~~
40 ~~who knowingly or with gross negligence violates this article.~~

1 ~~Upon removal of a dealer from this list, notification shall be~~
2 ~~provided to local law enforcement and licensing authorities in the~~
3 ~~jurisdiction where the dealer's business is located.~~

4 ~~(2) The department shall remove from the centralized list any~~
5 ~~person whose federal firearms license has expired or has been~~
6 ~~revoked.~~

7 ~~(3) Information compiled from the list shall be made available,~~
8 ~~upon request, for the following purposes only:~~

9 ~~(A) For law enforcement purposes.~~

10 ~~(B) When the information is requested by a person licensed~~
11 ~~pursuant to Chapter 44 (commencing with Section 921) of Title~~
12 ~~18 of the United States Code for determining the validity of the~~
13 ~~license for firearm shipments.~~

14 ~~(C) When information is requested by a person promoting,~~
15 ~~sponsoring, operating, or otherwise organizing a show or event as~~
16 ~~defined in Section 478.100 of Title 27 of the Code of Federal~~
17 ~~Regulations, or its successor, who possesses a valid certificate of~~
18 ~~eligibility issued pursuant to Section 12071.1, if that information~~
19 ~~is requested by the person to determine the eligibility of a~~
20 ~~prospective participant in a gun show or event to conduct~~
21 ~~transactions as a firearms dealer pursuant to subparagraph (B) of~~
22 ~~paragraph (1) of subdivision (b).~~

23 ~~(4) Information provided pursuant to paragraph (3) shall be~~
24 ~~limited to information necessary to corroborate an individual's~~
25 ~~current license status as being one of the following:~~

26 ~~(A) A person licensed pursuant to subparagraphs (A) to (E),~~
27 ~~inclusive, of paragraph (1) of subdivision (a).~~

28 ~~(B) A person licensed pursuant to Chapter 44 (commencing~~
29 ~~with Section 921) of Title 18 of the United States Code and who~~
30 ~~is not subject to the requirement that he or she be licensed~~
31 ~~pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1)~~
32 ~~of subdivision (a).~~

33 ~~(f) The Department of Justice may inspect dealers to ensure~~
34 ~~compliance with this article. The department may assess an~~
35 ~~annual fee, not to exceed one hundred fifteen dollars (\$115), to~~
36 ~~cover the reasonable cost of maintaining the list described in~~
37 ~~subdivision (e), including the cost of inspections. Dealers whose~~
38 ~~place of business is in a jurisdiction that has adopted an~~
39 ~~inspection program to ensure compliance with firearms law shall~~
40 ~~be exempt from that portion of the department's fee that relates~~

1 to the cost of inspections. The applicant is responsible for
2 providing evidence to the department that the jurisdiction in
3 which the business is located has the inspection program.

4 (g) The Department of Justice shall maintain and make
5 available upon request information concerning the number of
6 inspections conducted and the amount of fees collected pursuant
7 to subdivision (f), a listing of exempted jurisdictions, as defined
8 in subdivision (f), the number of dealers removed from the
9 centralized list defined in subdivision (c), and the number of
10 dealers found to have violated this article with knowledge or
11 gross negligence.

12 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
13 a licensee organized as a nonprofit public benefit or mutual
14 benefit corporation organized pursuant to Part 2 (commencing
15 with Section 5110) or Part 3 (commencing with Section 7110) of
16 Division 2 of the Corporations Code, if both of the following
17 conditions are satisfied:

18 (1) The nonprofit public benefit or mutual benefit corporation
19 obtained the dealer's license solely and exclusively to assist that
20 corporation or local chapters of that corporation in conducting
21 auctions or similar events at which firearms are auctioned off to
22 fund the activities of that corporation or the local chapters of the
23 corporation.

24 (2) The firearms are not pistols, revolvers, or other firearms
25 capable of being concealed upon the person.

26 (i) (1) For every verification inquiry made pursuant to
27 paragraph (1) of subdivision (f) of Section 12072, the department
28 shall determine whether the intended recipient possesses an
29 appropriate, valid license issued pursuant to Chapter 44
30 (commencing with Section 921) of Title 18 of the United States
31 Code and, if applicable, is properly licensed pursuant to this
32 section.

33 (2) If the intended recipient possesses an appropriate, valid
34 license issued pursuant to Chapter 44 (commencing with Section
35 921) of Title 18 of the United States Code, and if applicable, is
36 properly licensed pursuant to this section, the department shall
37 immediately provide a unique verification number to the
38 inquiring party.

39 (3) If the intended recipient does not possess an appropriate,
40 valid license issued pursuant to Chapter 44 (commencing with

1 ~~Section 921) of Title 18 of the United States Code, or if~~
2 ~~applicable, is not properly licensed pursuant to this section, the~~
3 ~~department shall do all of the following:~~

4 ~~(A) Immediately notify the inquiring party of that fact.~~

5 ~~(B) Within 24 hours, notify the chief law enforcement officer~~
6 ~~of the jurisdiction where the address on the federal firearms~~
7 ~~license about which the inquiry was made is located, and notify~~
8 ~~an appropriate employee of the federal Bureau of Alcohol,~~
9 ~~Tobacco and Firearms of the denied verification.~~

10 SEC. 16. Section 12071 is added to the Penal Code, to read:

11 12071. (a) As used in this chapter, the term “licensee,”
12 “person licensed pursuant to Section 12071,” or “dealer” means a
13 person who has all of the following:

14 (1) A valid federal firearms license.

15 (2) Any regulatory or business license, or licenses, required by
16 local government.

17 (3) A valid seller’s permit issued by the State Board of
18 Equalization.

19 (4) A certificate of eligibility issued by the Department of
20 Justice pursuant to subdivision (d).

21 (5) A license issued in the format prescribed by subdivision (f).

22 (6) Is among those recorded in the centralized list specified in
23 Section 12071.7.

24 (b) The duly constituted licensing authority of a city, county, or
25 a city and county shall accept applications for, and may grant
26 licenses permitting, licensees to sell firearms at retail within the
27 city, county, or city and county. The duly constituted licensing
28 authority shall inform applicants who are denied licenses of the
29 reasons for the denial in writing.

30 (c) No license shall be granted to any applicant who fails to
31 provide a copy of his or her valid federal firearms license, valid
32 seller’s permit issued by the State Board of Equalization, and the
33 certificate of eligibility described in paragraph (4).

34 (d) A person may request a certificate of eligibility from the
35 Department of Justice and the Department of Justice shall issue a
36 certificate to an applicant if the department’s records indicate that
37 the applicant is not a person who is prohibited from possessing
38 firearms.

39 (e) The department shall adopt regulations to administer the
40 certificate of eligibility program and shall recover the full costs

1 of administering the program by imposing fees assessed to
2 applicants who apply for those certificates.

3 (f) A license granted by the duly constituted licensing authority
4 of any city, county, or city and county, shall be valid for not
5 more than one year from the date of issuance and shall be in one
6 of the following forms:

7 (1) In the form prescribed by the Attorney General.

8 (2) A regulatory or business license that states on its face
9 “Valid for Retail Sales of Firearms” and is endorsed by the
10 signature of the issuing authority.

11 (3) A letter from the duly constituted licensing authority having
12 primary jurisdiction for the applicant’s intended business location
13 stating that the jurisdiction does not require any form of
14 regulatory or business license or does not otherwise restrict or
15 regulate the sale of firearms.

16 (g) Local licensing authorities may assess fees to recover their
17 full costs of processing applications for licenses.

18 (h) A license granted pursuant to this section is subject to
19 forfeiture for a breach of any of the prohibitions and
20 requirements of this section.

21 SEC. 17. Section 12071.1 of the Penal Code, as amended by
22 Section 2 of Chapter 247 of the Statutes of 1999, is amended and
23 renumbered to read:

24 ~~12071.1.~~

25 12083.5 (a) No person shall produce, promote, sponsor,
26 operate, or otherwise organize a gun show or event, as specified
27 in ~~subparagraph (B) of paragraph (1) of subdivision (b) of~~
28 Section ~~12071.1~~ 12071.2, unless that person possesses a valid
29 certificate of eligibility from the Department of Justice. Unless
30 the department’s records indicate that the applicant is a person
31 prohibited from possessing firearms, a certificate of eligibility
32 shall be issued by the Department of Justice to an applicant
33 provided the applicant does all of the following:

34 (1) Certifies that he or she is familiar with the provisions of
35 this section and Section ~~12071.4~~ 12083.7.

36 (2) Ensures that liability insurance is in effect for the duration
37 of an event or show in an amount of not less than one million
38 dollars (\$1,000,000).

39 (3) Provides an annual list of the gun shows or events that the
40 applicant plans to promote, produce, sponsor, operate, or

1 otherwise organize during the year for which the certificate of
2 eligibility is issued, including the date, time, and location of the
3 gun shows or events.

4 (b) If during that year the information required by paragraph
5 (3) of subdivision (a) changes, or additional gun shows or events
6 will be promoted, produced, sponsored, operated, or otherwise
7 organized by the applicant, the producer shall notify the
8 Department of Justice no later than 30 days prior to the gun show
9 or event.

10 (c) As used in this section, a “licensed gun show producer”
11 means a person who has been issued a certificate of eligibility by
12 the Department of Justice pursuant to subdivision (a). No
13 regulations shall be required to implement this subdivision.

14 (d) The Department of Justice shall adopt regulations to
15 administer the certificate of eligibility program under this section
16 and shall recover the full costs of administering the program by
17 fees assessed applicants who apply for certificates. A licensed
18 gun show producer shall be assessed an annual fee of eighty-five
19 dollars (\$85) by the department.

20 (e) (1) A willful failure by a gun show producer to comply
21 with any of the requirements of this section, except for the
22 posting of required signs, shall be a misdemeanor punishable by
23 a fine not to exceed two thousand dollars (\$2,000), and shall
24 render the producer ineligible for a gun show producer license
25 for one year from the date of the conviction.

26 (2) The willful failure of a gun show producer to post signs as
27 required by this section shall be a misdemeanor punishable by a
28 fine not to exceed one thousand dollars (\$1,000) for the first
29 offense and not to exceed two thousand dollars (\$2,000) for the
30 second or subsequent offense, and with respect to the second or
31 subsequent offense, shall render the producer ineligible for a gun
32 show producer license for one year from the date of the
33 conviction.

34 (3) Multiple violations charged pursuant to paragraph (1)
35 arising from more than one gun show or event shall be grounds
36 for suspension of a producer’s certificate of eligibility pending
37 adjudication of the violations.

38 (f) Prior to the commencement of a gun show or event, the
39 producer thereof shall, upon written request, within 48 hours, or
40 a later time specified by the requesting law enforcement agency,

1 make available to the requesting law enforcement agency with
2 jurisdiction over the facility, a complete and accurate list of all
3 persons, entities, and organizations that have leased or rented, or
4 are known to the producer to intend to lease or rent, any table,
5 display space, or area at the gun show or event for the purpose of
6 selling, leasing, or transferring firearms.

7 The producer shall thereafter, upon written request, for every
8 day the gun show or event operates, within 24 hours, or a later
9 time specified by the requesting law enforcement agency, make
10 available to the requesting law enforcement agency with
11 jurisdiction over the facility, an accurate, complete, and current
12 list of the persons, entities, and organizations that have leased or
13 rented, or are known to the producer to intend to lease or rent,
14 any table, display space, or area at the gun show or event for the
15 purpose of selling, leasing, or transferring firearms.

16 This subdivision applies to persons, entities, and organizations
17 whether or not they participate in the entire gun show or event, or
18 only a portion thereof.

19 (g) The information that may be requested by the law
20 enforcement agency with jurisdiction over the facility, and that
21 shall be provided by the producer upon request, may include, but
22 is not limited to, the following information relative to a vendor
23 who offers for sale firearms manufactured after December 31,
24 1898: his or her complete name, and a driver's license or
25 identification card number.

26 (h) The producer and facility manager shall prepare an annual
27 event and security plan and schedule that shall include, at a
28 minimum, the following:

29 (1) The type of shows or events including, but not limited to,
30 antique or general firearms.

31 (2) The estimated number of vendors offering firearms for sale
32 or display.

33 (3) The estimated number of attendees.

34 (4) The number of entrances and exits at the gun show or
35 event site.

36 (5) The location, dates, and times of the shows or events.

37 (6) The contact person and telephone number for both the
38 producer and the facility.

1 (7) The number of sworn peace officers employed by the
2 producer or the facilities manager who will be present at the
3 show or event.

4 (8) The number of nonsworn security personnel employed by
5 the producer or the facility's manager who will be present at the
6 show or event.

7 (i) The annual event and security plan shall be submitted by
8 either the producer or the facility's manager to the Department of
9 Justice and the law enforcement agency with jurisdiction over the
10 facility. Not later than 15 days prior to the commencement of the
11 gun show or event, the producer shall submit to the department,
12 the law enforcement agency with jurisdiction over the facility
13 site, and the facility's manager a revised event and security plan
14 if significant changes have been made since the annual plan was
15 submitted, including a revised list of vendors that the producer
16 knows, or reasonably should know, will be renting tables, space,
17 or otherwise participating in the gun show or event. The event
18 and security plan shall be approved by the facility's manager
19 prior to the event or show after consultation with the law
20 enforcement agency with jurisdiction over the facility. No gun
21 show or event shall commence unless the requirements of this
22 subdivision are met.

23 (j) The producer shall be responsible for informing prospective
24 gun show vendors of the requirements of this section and of
25 Section ~~12071.4~~ 12083.7 that apply to vendors.

26 (k) The producer shall, within seven calendar days of the
27 commencement of the show or event, but not later than noon on
28 Friday for a show or event held on a weekend, submit a list of all
29 prospective vendors and designated firearms transfer agents who
30 are licensed firearms dealers to the Department of Justice for the
31 purpose of determining whether these prospective vendors and
32 designated firearms transfer agents possess valid licenses and are
33 thus eligible to participate as licensed dealers at the show or
34 event. The department shall examine its records and if it
35 determines that a dealer's license is not valid, it shall notify the
36 show or event producer of that fact prior to the commencement
37 of the show or event.

38 (l) If a licensed firearms dealer fails to cooperate with a
39 producer or fails to comply with the applicable requirements of

1 this section or Section ~~12071.4~~ 12083.7, that person shall not be
2 allowed to participate in that show or event.

3 (m) If a producer fails to comply with subdivision (j) or (k),
4 the gun show or event shall not commence until those
5 requirements are met.

6 (n) All producers shall have written contracts with all gun
7 show vendors selling firearms at the show or event.

8 (o) The producer shall ~~require that signs be posted~~ *post*, in a
9 readily visible location at each public entrance to the show,
10 *signage*, containing, but not limited to, the following notices:

11 (1) This gun show follows all federal, state, and local firearms
12 and weapons laws without exception.

13 (2) All firearms carried onto the premises by members of the
14 public will be checked, cleared of any ammunition, secured in a
15 manner that prevents them from being operated, and an
16 identification tag or sticker will be attached to the firearm prior to
17 the person being allowed admittance to the show.

18 (3) No member of the public under the age of 18 years shall be
19 admitted to the show unless accompanied by a parent,
20 grandparent, or legal guardian.

21 (4) All firearms transfers between private parties at the show
22 shall be conducted through a licensed dealer in accordance with
23 applicable state and federal laws.

24 (5) Persons possessing firearms on this facility must have in
25 their immediate possession government-issued photo
26 identification, and display it upon request to any security officer
27 or any peace officer, as defined in Section 830.

28 (p) The show producer shall *post*, in a readily visible location
29 at each entrance to the parking lot at the show, signage that
30 states: "The transfer of firearms on the parking lot of this facility
31 is a crime."

32 (q) It is the intent of the Legislature that the certificate of
33 eligibility program established pursuant to this section be
34 incorporated into the certificate of eligibility program established
35 pursuant to Section 12071 to the maximum extent practicable.

36 SEC. 18. Section 12071.1 is added to the Penal Code, to read:

37 12071.1. (a) Except as provided in subdivisions (b) and (c),
38 the business of a licensee shall be conducted only in the buildings
39 designated in the license. The license or a copy thereof, certified

1 by the issuing authority, shall be displayed on the premises where
2 it can easily be seen.

3 (b) A person licensed pursuant to Section 12071 may take
4 possession of firearms and commence preparation of registers for
5 the sale, delivery, or transfer of firearms at gun shows or events,
6 as defined in Section 478.100 of Title 27 of the Code of Federal
7 Regulations, or its successor, if the gun show or event is not
8 conducted from any motorized or towed vehicle. A person
9 conducting business pursuant to this subdivision shall be entitled
10 to conduct business as authorized herein at any gun show or
11 event in the state without regard to the jurisdiction within this
12 state that issued the license pursuant to Section 12071, provided
13 the person complies with all applicable laws, including, but not
14 limited to, the waiting period specified in Section 12071.2, and
15 all applicable local laws, regulations, and fees, if any. A person
16 conducting business pursuant to this subdivision shall publicly
17 display his or her license issued pursuant to Section 12071, or a
18 facsimile thereof, at any gun show or event, as specified in this
19 subparagraph.

20 (c) A person licensed pursuant to Section 12071 may engage
21 in the sale and transfer of firearms other than handguns, at events
22 specified in subdivision (g) of Section 12078, subject to the
23 prohibitions and restrictions contained in that subdivision. A
24 person licensed pursuant to Section 12071 also may accept
25 delivery of firearms other than handguns, outside the building
26 designated in the license, provided the firearm is being donated
27 for the purpose of sale or transfer at an auction or similar event
28 specified in subdivision (g) of Section 12078.

29 (d) The firearm may be delivered to the purchaser, transferee,
30 or person being loaned the firearm at one of the following places:

- 31 (1) The building designated in the license.
- 32 (2) The places specified in subdivision (b) or (c).
- 33 (3) The place of residence of, the fixed place of business of, or
34 on private property owned or lawfully possessed by, the
35 purchaser, transferee, or person being loaned the firearm.

36 (e) No handgun or imitation thereof capable of being
37 concealed upon the person, or placard advertising the sale or
38 other transfer thereof, shall be displayed in any part of the
39 premises licensed pursuant to Section 12071 where it can readily
40 be seen from the outside.

1 (f) The licensee shall agree to and shall act properly and
2 promptly in processing firearms transactions pursuant to Section
3 12082.

4 (g) The licensee shall comply with Sections 12073, 12076, and
5 12077, subdivisions (a) and (b) and paragraph (1) of subdivision
6 (f) of Section 12072, and subdivision (a) of Section 12316.

7 (h) The licensee shall offer to provide the purchaser or
8 transferee of a firearm, or person being loaned a firearm, with a
9 copy of the pamphlet described in Section 12080 and may add
10 the cost of the pamphlet, if any, to the sales price of the firearm.

11 (i) The licensee shall not commit an act of collusion as defined
12 in Section 12072.

13 (j) The licensee shall post conspicuously within the licensed
14 premises a detailed list of each of the following:

15 (1) All charges required by governmental agencies for
16 processing firearm transfers required by Sections 12076, 12082,
17 and 12806.

18 (2) All fees that the licensee charges pursuant to Sections
19 12082 and 12806.

20 (k) The licensee shall not misstate the amount of fees charged
21 by a governmental agency pursuant to Sections 12076, 12082,
22 and 12806.

23 (l) The licensee shall, upon the issuance or renewal of a
24 license, submit a copy of the same to the Department of Justice.

25 (m) (1) Firearms dealers may require any agent who handles,
26 sells, or delivers firearms to obtain and provide to the dealer a
27 certificate of eligibility from the department pursuant Section
28 12071. The agent or employee shall provide on the application,
29 the name and California firearms dealer number of the firearms
30 dealer with whom he or she is employed.

31 (2) The department shall notify the firearms dealer in the event
32 that the agent or employee who has a certificate of eligibility is
33 or becomes prohibited from possessing firearms.

34 (3) If the local jurisdiction requires a background check of the
35 agents or employees of the firearms dealer, the agent or
36 employee shall obtain a certificate of eligibility pursuant to
37 Section 12071.

38 (4) Nothing in this section shall be construed to preclude a
39 local jurisdiction from conducting an additional background
40 check pursuant to Section 11105 or prohibiting employment

1 based on criminal history that does not appear as part of
2 obtaining a certificate of eligibility, provided however, that the
3 local jurisdiction may not charge a fee for the additional criminal
4 history check.

5 (n) The licensee shall prohibit any agent who the licensee
6 knows or reasonably should know is within a class of persons
7 prohibited from possessing firearms pursuant to Section 12021 or
8 12021.1 of this code, or Section 8100 or 8103 of the Welfare and
9 Institutions Code, from coming into contact with any firearm that
10 is not secured and from accessing any key, combination, code, or
11 other means to open any of the locking devices described in
12 Section 12071.6 that are used to make the firearm inoperable.

13 (o) Nothing in this section shall be construed as preventing a
14 local government from enacting an ordinance imposing
15 additional conditions on licensees with regard to agents.

16 (p) For purposes of this section, an “agent” is an employee of
17 the licensee.

18 (q) A license granted pursuant to Section 12071 is subject to
19 forfeiture for a breach of any of the prohibitions and
20 requirements of this section.

21 SEC. 19. Section 12071.2 is added to the Penal Code, to read:

22 12071.2. (a) No firearm shall be delivered by a person
23 licensed pursuant to Section 12071 under any of the following
24 circumstances:

25 (1) Within 10 days of the application to purchase, or, after
26 notice by the department pursuant to subdivision (d) of Section
27 12076, within 10 days of the submission to the department of any
28 correction to the application, or within 10 days of the submission
29 to the department of any fee required pursuant to subdivision (e)
30 of Section 12076, whichever is later.

31 (2) Unless unloaded and securely wrapped or unloaded and in
32 a locked container.

33 (3) Unless the purchaser, transferee, or person being loaned
34 the firearm presents clear evidence of his or her identity and age
35 to the dealer.

36 (4) As used in this article, “clear evidence of his or her identity
37 and age” means either a valid California driver’s license, or a
38 valid California identification card issued by the Department of
39 Motor Vehicles.

(b) No firearm shall be delivered by a person licensed pursuant to Section 12071 whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the department the reason for the prohibition.

(c) No dealer may deliver a handgun unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. The firearms dealer shall retain a photocopy of the handgun safety certificate as proof of compliance with this requirement.

(d) No handgun may be delivered unless the purchaser, transferee, or person being loaned the firearm presents documentation indicating that he or she is a California resident. Satisfactory documentation shall include a utility bill from within the last three months, a residential lease, a property deed, or military permanent duty station orders indicating assignment within this state, or other evidence of residency as permitted by the Department of Justice. The firearms dealer shall retain a photocopy of the documentation as proof of compliance with this requirement.

(e) A license granted pursuant to Section 12071 is subject to forfeiture for a breach of any of the prohibitions and requirements of this section.

SEC. 20. Section 12071.3 is added to the Penal Code, to read:

12071.3. (a) Except as authorized by the department, no firearms dealer may deliver a handgun unless the recipient performs a safe handling demonstration with that handgun. The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness, that is, the firearm is pointed in a safe direction, preferably down at the ground, and trigger discipline, that is, the trigger finger is outside of the trigger guard and alongside of the handgun frame, at all times, the handgun recipient shall correctly and safely perform the following:

1 (1) If the handgun is a semiautomatic pistol:

2 (A) Remove the magazine.

3 (B) Lock the slide back. If the model of firearm does not allow
4 the slide to be locked back, pull the slide back, visually and
5 physically check the chamber to ensure that it is clear.

6 (C) Visually and physically inspect the chamber, to ensure that
7 the handgun is unloaded.

8 (D) Remove the firearm safety device, if applicable. If the
9 firearm safety device prevents any of the previous steps, remove
10 the firearm safety device during the appropriate step.

11 (E) Load one bright orange, red, or other readily identifiable
12 dummy round into the magazine. If no readily identifiable
13 dummy round is available, an empty cartridge casing with an
14 empty primer pocket may be used.

15 (F) Insert the magazine into the magazine well of the firearm.

16 (G) Manipulate the slide release or pull back and release the
17 slide.

18 (H) Remove the magazine.

19 (I) Visually inspect the chamber to reveal that a round can be
20 chambered with the magazine removed.

21 (J) Lock the slide back to eject the bright orange, red, or other
22 readily identifiable dummy round. If the handgun is of a model
23 that does not allow the slide to be locked back, pull the slide back
24 and physically check the chamber to ensure that the chamber is
25 clear. If no readily identifiable dummy round is available, an
26 empty cartridge casing with an empty primer pocket may be
27 used.

28 (K) Apply the safety, if applicable.

29 (L) Apply the firearm safety device, if applicable. This
30 requirement shall not apply to an Olympic competition pistol if
31 no firearms safety device, other than a cable lock that the
32 department has determined would damage the barrel of the pistol,
33 has been approved for the pistol, and the pistol is either listed in
34 paragraph (2) of subdivision (h) of Section 12132 or is subject to
35 paragraph (3) of subdivision (h) of Section 12132.

36 (2) If the handgun is a double-action revolver:

37 (A) Open the cylinder.

38 (B) Visually and physically inspect each chamber, to ensure
39 that the revolver is unloaded.

1 (C) Remove the firearm safety device. If the firearm safety
2 device prevents any of the previous steps, remove the firearm
3 safety device during the appropriate step.

4 (D) While maintaining muzzle awareness and trigger
5 discipline, load one bright orange, red, or other readily
6 identifiable dummy round into a chamber of the cylinder and
7 rotate the cylinder so that the round is in the next-to-fire position.
8 If no readily identifiable dummy round is available, an empty
9 cartridge casing with an empty primer pocket may be used.

10 (E) Close the cylinder.

11 (F) Open the cylinder and eject the round.

12 (G) Visually and physically inspect each chamber to ensure
13 that the revolver is unloaded.

14 (H) Apply the firearm safety device, if applicable. This
15 requirement shall not apply to an Olympic competition pistol if
16 no firearms safety device, other than a cable lock that the
17 department has determined would damage the barrel of the pistol,
18 has been approved for the pistol, and the pistol is either listed in
19 paragraph (2) of subdivision (h) of Section 12132 or is subject to
20 paragraph (3) of subdivision (h) of Section 12132.

21 (3) If the handgun is a single-action revolver:

22 (A) Open the loading gate.

23 (B) Visually and physically inspect each chamber, to ensure
24 that the revolver is unloaded.

25 (C) Remove the firearm safety device required to be sold with
26 the handgun. If the firearm safety device prevents any of the
27 previous steps, remove the firearm safety device during the
28 appropriate step.

29 (D) Load one bright orange, red, or other readily identifiable
30 dummy round into a chamber of the cylinder, close the loading
31 gate and rotate the cylinder so that the round is in the next-to-fire
32 position. If no readily identifiable dummy round is available, an
33 empty cartridge casing with an empty primer pocket may be
34 used.

35 (E) Open the loading gate and unload the revolver.

36 (F) Visually and physically inspect each chamber to ensure
37 that the revolver is unloaded.

38 (G) Apply the firearm safety device, if applicable. This
39 requirement shall not apply to an Olympic competition pistol if
40 no firearms safety device, other than a cable lock that the

1 department has determined would damage the barrel of the pistol,
2 has been approved for the pistol, and the pistol is either listed in
3 paragraph (2) of subdivision (h) of Section 12132 or is subject to
4 paragraph (3) of subdivision (h) of Section 12132.

5 (b) The recipient shall receive instruction regarding how to
6 render that handgun safe in the event of a jam.

7 (c) The firearms dealer shall sign and date an affidavit stating
8 that the requirements of subdivision (a) have been met. The
9 firearms dealer shall additionally obtain the signature of the
10 handgun purchaser on the same affidavit. The firearms dealer
11 shall retain the original affidavit as proof of compliance with this
12 requirement.

13 (d) The recipient shall perform the safe handling
14 demonstration for a department certified instructor.

15 (e) No demonstration shall be required if the dealer is
16 returning the handgun to the owner of the handgun.

17 (f) Department certified instructors who may administer the
18 safe handling demonstration shall meet the requirements set forth
19 in subdivision (j) of Section 12804.

20 (g) The persons who are exempt from the requirements of
21 subdivision (b) of Section 12801, pursuant to Section 12807, are
22 also exempt from performing the safe handling demonstration.

23 (h) A license granted pursuant to Section 12071 is subject to
24 forfeiture for a breach of any of the prohibitions and
25 requirements of this section.

26 SEC. 21. Section 12071.4 of the Penal Code, as added by
27 Section 3 of Chapter 247 of the Statutes of 1999, is amended and
28 renumbered to read:

29 ~~12071.4.~~

30 *12083.7* (a) This section shall be known, and may be cited as,
31 the Gun Show Enforcement and Security Act of 2000.

32 (b) All gun show or event vendors shall certify in writing to
33 the producer that they:

34 (1) Will not display, possess, or offer for sale any firearms,
35 knives, or weapons for which possession or sale is prohibited.

36 (2) Acknowledge that they are responsible for knowing and
37 complying with all applicable federal, state, and local laws
38 dealing with the possession and transfer of firearms.

39 (3) Will not engage in activities that incite or encourage hate
40 crimes.

1 (4) Will process all transfers of firearms through licensed
2 firearms dealers as required by state law.

3 (5) Will verify that all firearms in their possession at the show
4 or event will be unloaded, and that the firearms will be secured in
5 a manner that prevents them from being operated except for brief
6 periods when the mechanical condition of a firearm is being
7 demonstrated to a prospective buyer.

8 (6) Have complied with the requirements of subdivision (e).

9 (7) Will not display or possess black powder, or offer it for
10 sale.

11 (c) All firearms transfers at the gun show or event shall be in
12 accordance with applicable state and federal laws.

13 (d) Except for purposes of showing ammunition to a
14 prospective buyer, ammunition at a gun show or event may be
15 displayed only in closed original factory boxes or other closed
16 containers.

17 (e) Prior to the commencement of a gun show or event, each
18 vendor shall provide to the producer all of the following
19 information relative to the vendor, the vendor's employees, and
20 other persons, compensated or not, who will be working or
21 otherwise providing services to the public at the vendor's display
22 space if firearms manufactured after December 31, 1898, will be
23 offered for sale:

24 (1) His or her complete name.

25 (2) His or her driver's license or state-issued identification
26 card number.

27 (3) His or her date of birth.

28 The producer shall keep the information at the show's or
29 event's onsite headquarters for the duration of the show or event,
30 and at the producer's regular place of business for two weeks
31 after the conclusion of the show or event, and shall make the
32 information available upon request to any sworn peace officer for
33 purposes of the officer's official law enforcement duties.

34 (f) Vendors and employees of vendors shall wear name tags
35 indicating first and last name.

36 (g) No person at a gun show or event, other than security
37 personnel or sworn peace officers, shall possess at the same time
38 both a firearm and ammunition that is designed to be fired in the
39 firearm. Vendors having those items at the show for sale or
40 exhibition are exempt from this prohibition.

1 (h) No member of the public who is under the age of 18 years
2 shall be admitted to, or be permitted to remain at, a gun show or
3 event unless accompanied by a parent or legal guardian. Any
4 member of the public who is under the age of 18 shall be
5 accompanied by his or her parent, grandparent, or legal guardian
6 while at the show or event.

7 (i) Persons other than show or event security personnel, sworn
8 peace officers, or vendors, who bring firearms onto the gun show
9 or event premises shall sign in ink the tag or sticker that is
10 attached to the firearm prior to being allowed admittance to the
11 show or event, as provided for in subdivision (j).

12 (j) All firearms carried onto the premises of a gun show or
13 event by members of the public shall be checked, cleared of any
14 ammunition, secured in a manner that prevents them from being
15 operated, and an identification tag or sticker shall be attached to
16 the firearm, prior to the person being allowed admittance to the
17 show. The identification tag or sticker shall state that all firearms
18 transfers between private parties at the show or event shall be
19 conducted through a licensed dealer in accordance with
20 applicable state and federal laws. The person possessing the
21 firearm shall complete the following information on the tag
22 before it is attached to the firearm:

23 (1) The gun owner's signature.

24 (2) The gun owner's printed name.

25 (3) The identification number from the gun owner's
26 government-issued photo identification.

27 (k) All persons possessing firearms at the gun show or event
28 shall have in his or her immediate possession, government-issued
29 photo identification, and display it upon request, to any security
30 officer, or any peace officer.

31 (l) Unless otherwise specified, a first violation of this section
32 is an infraction. Any second or subsequent violation is a
33 misdemeanor. Any person who commits an act which he or she
34 knows to be a violation of this section is guilty of a misdemeanor
35 for a first offense.

36 SEC. 22. Section 12071.4 is added to the Penal Code, to read:

37 12071.4. (a) The licensee shall post conspicuously within the
38 licensed premises the following warnings in block letters not less
39 than one inch in height:

1 (1) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
2 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
3 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
4 USES IT, RESULTING IN INJURY OR DEATH, OR
5 CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY
6 OF A MISDEMEANOR OR A FELONY UNLESS YOU
7 STORED THE FIREARM IN A LOCKED CONTAINER OR
8 LOCKED THE FIREARM WITH A LOCKING DEVICE, TO
9 KEEP IT FROM TEMPORARILY FUNCTIONING."

10 (2) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
11 FIREARM CAPABLE OF BEING CONCEALED UPON THE
12 PERSON, WITHIN ANY PREMISES UNDER YOUR
13 CUSTODY OR CONTROL, AND A PERSON UNDER 18
14 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND
15 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
16 MISDEMEANOR, UNLESS YOU STORED THE FIREARM
17 IN A LOCKED CONTAINER, OR LOCKED THE FIREARM
18 WITH A LOCKING DEVICE, TO KEEP IT FROM
19 TEMPORARILY FUNCTIONING."

20 (3) "IF YOU KEEP ANY FIREARM WITHIN ANY
21 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
22 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
23 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
24 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY
25 BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE
26 OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS
27 YOU STORED THE FIREARM IN A LOCKED CONTAINER,
28 OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

29 (4) "DISCHARGING FIREARMS IN POORLY
30 VENTILATED AREAS, CLEANING FIREARMS, OR
31 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
32 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
33 DEFECTS, REPRODUCTIVE HARM, AND OTHER
34 SERIOUS PHYSICAL INJURY. HAVE ADEQUATE
35 VENTILATION AT ALL TIMES. WASH HANDS
36 THOROUGHLY AFTER EXPOSURE."

37 (5) "FEDERAL REGULATIONS PROVIDE THAT IF YOU
38 DO NOT TAKE PHYSICAL POSSESSION OF THE
39 FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF
40 WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL

1 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
2 TO GO THROUGH THE BACKGROUND CHECK PROCESS
3 A SECOND TIME IN ORDER TO TAKE PHYSICAL
4 POSSESSION OF THAT FIREARM.”

5 (6) “NO PERSON SHALL MAKE AN APPLICATION TO
6 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
7 OTHER FIREARM CAPABLE OF BEING CONCEALED
8 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
9 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
10 HAS MADE AN APPLICATION TO PURCHASE MORE
11 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM
12 CAPABLE OF BEING CONCEALED UPON THE PERSON
13 WITHIN ANY 30-DAY PERIOD.”

14 (b) A license granted pursuant to Section 12071 is subject to
15 forfeiture for a breach of any of the requirements of this section.

16 SEC. 23. Section 12071.5 is added to the Penal Code, to read:

17 12071.5. (a) The licensee shall maintain and make available
18 for inspection during business hours to any peace officer,
19 authorized local law enforcement employee, or Department of
20 Justice employee designated by the Attorney General, upon the
21 presentation of proper identification, a firearms transaction
22 record.

23 (b) On the date of receipt, the licensee shall report to the
24 Department of Justice in a format prescribed by the department
25 the acquisition by the licensee of the ownership of a handgun.

26 (c) The provisions of this section shall not apply to any of the
27 following transactions:

28 (1) A transaction subject to the provisions of subdivision (n) of
29 Section 12078.

30 (2) The dealer acquired the firearm from a wholesaler.

31 (3) The dealer is also licensed as a secondhand dealer pursuant
32 to Article 4 (commencing with Section 21625) of Chapter 9 of
33 Division 8 of the Business and Professions Code.

34 (4) The dealer acquired the firearm from a person who is
35 licensed as a manufacturer or importer to engage in those
36 activities pursuant to Chapter 44 (commencing with Section 921)
37 of Title 18 of the United States Code and any regulations issued
38 pursuant thereto.

39 (5) The dealer acquired the firearm from a person who resides
40 outside this state who is licensed pursuant to Chapter 44

1 (commencing with Section 921) of Title 18 of the United States
2 Code and any regulations issued pursuant thereto.

3 (d) The licensee shall forward in a format prescribed by the
4 Department of Justice, information as required by the department
5 on any firearm that is not delivered within the time period set
6 forth in Section 478.102 (c) of Title 27 of the Code of Federal
7 Regulations.

8 (e) For purposes of subdivision (a):

9 (1) A “firearms transaction record” is a record containing the
10 same information referred to in subdivision (a) of Section
11 478.124, Section 478.124a, and subdivision (e) of Section
12 478.125 of Title 27 of the Code of Federal Regulations.

13 (2) A licensee shall be in compliance with the provisions of
14 subdivision (a) if he or she maintains and makes available for
15 inspection during business hours to any peace officer, authorized
16 local law enforcement employee, or Department of Justice
17 employee designated by the Attorney General, upon the
18 presentation of proper identification, the bound book containing
19 the same information referred to in Section 478.124a and
20 subdivision (e) of Section 478.125 of Title 27 of the Code of
21 Federal Regulations and the records referred to in subdivision (a)
22 of Section 478.124 of Title 27 of the Code of Federal
23 Regulations.

24 (f) A license granted pursuant to Section 12071 is subject to
25 forfeiture for a breach of any of the prohibitions and
26 requirements of this section.

27 SEC. 24. Section 12071.6 is added to the Penal Code, to read:

28 12071.6. (a) The licensee shall report the loss or theft of any
29 firearm that is merchandise of the licensee, any firearm that the
30 licensee takes possession of pursuant to Section 12082, or any
31 firearm kept at the licensee’s place of business within 48 hours of
32 discovery to the appropriate law enforcement agency in the city,
33 county, or city and county where the licensee’s business premises
34 are located.

35 (b) Any time when the licensee is not open for business, the
36 licensee shall store all firearms kept in his or her licensed place
37 of business using one of the following methods as to each
38 particular firearm:

39 (1) Store the firearm in a secure facility that is a part of, or that
40 constitutes, the licensee’s business premises.

1 (2) Secure the firearm with a hardened steel rod or cable of at
2 least one-eighth inch in diameter through the trigger guard of the
3 firearm. The steel rod or cable shall be secured with a hardened
4 steel lock that has a shackle. The lock and shackle shall be
5 protected or shielded from the use of a bolt cutter and the rod or
6 cable shall be anchored in a manner that prevents the removal of
7 the firearm from the premises.

8 (3) Store the firearm in a locked fireproof safe or vault in the
9 licensee's business premises.

10 (c) The licensing authority in an unincorporated area of a
11 county or within a city may impose security requirements that are
12 more strict or are at a higher standard than those specified in
13 subdivision (i).

14 (d) Subdivisions (b) and (c) shall not apply to a licensee
15 organized as a nonprofit public benefit or mutual benefit
16 corporation organized pursuant to Part 2 (commencing with
17 Section 5110) or Part 3 (commencing with Section 7110) of
18 Division 2 of the Corporations Code, if both of the following
19 conditions are satisfied:

20 (1) The nonprofit public benefit or mutual benefit corporation
21 obtained the dealer's license solely and exclusively to assist that
22 corporation or local chapters of that corporation in conducting
23 auctions or similar events at which firearms are auctioned off to
24 fund the activities of that corporation or the local chapters of the
25 corporation.

26 (2) The firearms are not handguns.

27 (e) For purposes of this section, the following definitions shall
28 apply:

29 (1) "Licensed premises," "licensed place of business,"
30 "licensee's place of business," or "licensee's business premises"
31 means the building designated in the license.

32 (2) "Secured" means a firearm that is made inoperable in one
33 or more of the following ways:

34 (A) The firearm is inoperable because it is secured by a
35 firearms safety device listed on the department's roster of
36 approved firearms safety devices pursuant to subdivision (d) of
37 Section 12088 of this chapter.

38 (B) The firearm is stored in a locked gun safe or long-gun safe
39 which meets the standards for department-approved gun safes set
40 forth in Section 12088.2.

1 (C) The firearm is stored in a distinct locked room or area in
2 the building that is used to store firearms that can only be
3 unlocked by a key, a combination, or similar means.

4 (D) The firearm is secured with a hardened steel rod or cable
5 that is at least one-eighth of an inch in diameter through the
6 trigger guard of the firearm. The steel rod or cable shall be
7 secured with a hardened steel lock that has a shackle. The lock
8 and shackle shall be protected or shielded from the use of a bolt
9 cutter and the rod or cable shall be anchored in a manner that
10 prevents the removal of the firearm from the premises.

11 (3) "Secure facility" means a building that meets all of the
12 following specifications:

13 (A) All perimeter doorways shall meet one of the following:

14 (i) A windowless steel security door equipped with both a
15 dead bolt and a doorknob lock.

16 (ii) A windowed metal door that is equipped with both a dead
17 bolt and a doorknob lock. If the window has an opening of five
18 inches or more measured in any direction, the window shall be
19 covered with steel bars of at least one-half inch diameter or metal
20 grating of at least nine gauge affixed to the exterior or interior of
21 the door.

22 (iii) A metal grate that is padlocked and affixed to the
23 licensee's premises independent of the door and doorframe.

24 (B) All windows are covered with steel bars.

25 (C) Heating, ventilating, air-conditioning, and service
26 openings are secured with steel bars, metal grating, or an alarm
27 system.

28 (D) Any metal grates have spaces no larger than six inches
29 wide measured in any direction.

30 (E) Any metal screens have spaces no larger than three inches
31 wide measured in any direction.

32 (F) All steel bars shall be no further than six inches apart.

33 (f) Upon written request from a licensee, the licensing
34 authority may grant an exemption from compliance with the
35 requirements of subdivision (b) if the licensee is unable to
36 comply with those requirements because of local ordinances,
37 covenants, lease conditions, or similar circumstances not under
38 the control of the licensee.

1 (g) A license granted pursuant to Section 12071 is subject to
2 forfeiture for a breach of any of the prohibitions and
3 requirements of this section.

4 SEC. 25. Section 12071.7 is added to the Penal Code, to read:

5 12071.7. (a) Except as otherwise provided in this section, the
6 Department of Justice shall keep a centralized list of all persons
7 licensed pursuant to Section 12071, and all persons who have
8 submitted information pursuant to subdivision (a) of Section
9 12083. The department may remove from this list any person
10 who knowingly or with gross negligence violates this article.
11 Upon removal of a dealer from this list, notification shall be
12 provided to local law enforcement and licensing authorities in the
13 jurisdiction where the dealer's business is located.

14 (b) The department shall remove from the centralized list any
15 person whose federal firearms license has expired or has been
16 revoked.

17 (c) Information compiled from the list shall be made available,
18 upon request, for the following purposes only:

19 (1) For law enforcement purposes.

20 (2) When the information is requested by a person licensed
21 pursuant to Chapter 44 (commencing with Section 921) of Title
22 18 of the United States Code for determining the validity of the
23 license for firearm shipments.

24 (3) When information is requested by a person promoting,
25 sponsoring, operating, or otherwise organizing a show or event as
26 defined in Section 478.100 of Title 27 of the Code of Federal
27 Regulations, or its successor, who possesses a valid certificate of
28 eligibility issued pursuant to Section 12083.5, if that information
29 is requested by the person to determine the eligibility of a
30 prospective participant in a gun show or event to conduct
31 transactions as a firearms dealer pursuant to Section 12071.

32 (d) Information provided pursuant to paragraph (3) of
33 subdivision (c) shall be limited to information necessary to
34 corroborate an individual's current license status as being one of
35 the following:

36 (1) A person licensed pursuant to Section 12071.

37 (2) A person licensed pursuant to Chapter 44 (commencing
38 with Section 921) of Title 18 of the United States Code and who
39 is not subject to the requirement that he or she be licensed
40 pursuant to Section 12071.

(e) The department may inspect dealers to ensure compliance with this article. The department may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the list described in subdivision (a), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(f) The department shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (e), a listing of exempted jurisdictions, as defined in subdivision (e), the number of dealers removed from the centralized list defined in subdivision (a), and the number of dealers found to have violated this article with knowledge or gross negligence.

(g) (1) For every verification inquiry made pursuant to paragraph (1) of subdivision (f) of Section 12072, the department shall determine whether the intended recipient possesses an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and, if applicable, is properly licensed pursuant to this section.

(2) If the intended recipient possesses an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and if applicable, is properly licensed pursuant to this section, the department shall immediately provide a unique verification number to the inquiring party.

(3) If the intended recipient does not possess an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or if applicable, is not properly licensed pursuant to this section, the department shall do all of the following:

(A) Immediately notify the inquiring party of that fact.

(B) Within 24 hours, notify the chief law enforcement officer of the jurisdiction where the address on the federal firearms

1 license about which the inquiry was made is located, and notify
2 an appropriate employee of the federal Bureau of Alcohol,
3 Tobacco and Firearms of the denied verification.

4 SEC. 26. Section 12072 of the Penal Code is amended to
5 read:

6 12072. (a) (1) No person, corporation, or firm shall
7 knowingly supply, deliver, sell, or give possession or control of a
8 firearm to any person within any of the classes prohibited by
9 Section 12021 or 12021.1.

10 (2) No person, corporation, or dealer shall sell, supply, deliver,
11 or give possession or control of a firearm to any person whom he
12 or she has cause to believe to be within any of the classes
13 prohibited by Section 12021 or 12021.1 of this code or Section
14 8100 or 8103 of the Welfare and Institutions Code.

15 (3) (A) No person, corporation, or firm shall sell, loan, or
16 transfer a firearm to a minor, nor sell a handgun to an individual
17 under 21 years of age.

18 (B) Subparagraph (A) shall not apply to or affect those
19 circumstances set forth in subdivision (p) of Section 12078.

20 (4) No person, corporation, or dealer shall sell, loan, or
21 transfer a firearm to any person whom he or she knows or has
22 cause to believe is not the actual purchaser or transferee of the
23 firearm, or to any person who is not the person actually being
24 loaned the firearm, if the person, corporation, or dealer has either
25 of the following:

26 (A) Knowledge that the firearm is to be subsequently loaned,
27 sold, or transferred to avoid the provisions of subdivision (c) or
28 (d).

29 (B) Knowledge that the firearm is to be subsequently loaned,
30 sold, or transferred to avoid the requirements of any exemption to
31 the provisions of subdivision (c) or (d).

32 (5) No person, corporation, or dealer shall acquire a firearm
33 for the purpose of selling, transferring, or loaning the firearm, if
34 the person, corporation, or dealer has either of the following:

35 (A) In the case of a dealer, intent to violate subdivision (b) or
36 (c).

37 (B) In any other case, intent to avoid either of the following:

38 (i) The provisions of subdivision (d).

39 (ii) The requirements of any exemption to the provisions of
40 subdivision (d).

1 (6) The dealer shall comply with the provisions of paragraph
2 ~~(18) of subdivision~~ subdivisions (b) and (c) of Section ~~12071~~
3 ~~12071.5~~.

4 (7) The dealer shall comply with the provisions of paragraph
5 ~~(19) of subdivision (b)~~ (d) of Section ~~12071~~ 12071.5.

6 (8) No person shall sell or otherwise transfer his or her
7 ownership in a pistol, revolver, or other firearm capable of being
8 concealed upon the person unless the firearm bears either:

9 (A) The name of the manufacturer, the manufacturer's make
10 or model, and a manufacturer's serial number assigned to that
11 firearm.

12 (B) The identification number or mark assigned to the firearm
13 by the Department of Justice pursuant to Section 12092.

14 (9) (A) No person shall make an application to purchase more
15 than one pistol, revolver, or other firearm capable of being
16 concealed upon the person within any 30-day period.

17 (B) Subparagraph (A) shall not apply to any of the following:

18 (i) Any law enforcement agency.

19 (ii) Any agency duly authorized to perform law enforcement
20 duties.

21 (iii) Any state or local correctional facility.

22 (iv) Any private security company licensed to do business in
23 California.

24 (v) Any person who is properly identified as a full-time paid
25 peace officer, as defined in Chapter 4.5 (commencing with
26 Section 830) of Title 3 of Part 2, and who is authorized to, and
27 does carry a firearm during the course and scope of his or her
28 employment as a peace officer.

29 (vi) Any motion picture, television, or video production
30 company or entertainment or theatrical company whose
31 production by its nature involves the use of a firearm.

32 (vii) Any person who may, pursuant to Section 12078, claim
33 an exemption from the waiting period set forth in subdivision (c)
34 of this section.

35 (viii) Any transaction conducted through a licensed firearms
36 dealer pursuant to Section 12082.

37 ~~(ix) Any transaction conducted through a law enforcement~~
38 ~~agency pursuant to Section 12084.~~

39 ~~(x)~~ Any person who is licensed as a collector pursuant to
40 Chapter 44 (commencing with Section 921) of Title 18 of the

1 United States Code and the regulations issued pursuant thereto
2 and who has a current certificate of eligibility issued to him or
3 her by the Department of Justice pursuant to Section 12071.

4 ~~(xi)–~~

5 (x) The exchange of a pistol, revolver, or other firearm capable
6 of being concealed upon the person where the dealer purchased
7 that firearm from the person seeking the exchange within the
8 30-day period immediately preceding the date of exchange or
9 replacement.

10 ~~(xii)–~~

11 (xi) The replacement of a pistol, revolver, or other firearm
12 capable of being concealed upon the person when the person's
13 pistol, revolver, or other firearm capable of being concealed upon
14 the person was lost or stolen, and the person reported that firearm
15 lost or stolen prior to the completion of the application to
16 purchase to any local law enforcement agency of the city, county,
17 or city and county in which he or she resides.

18 ~~(xiii)–~~

19 (xii) The return of any pistol, revolver, or other firearm
20 capable of being concealed upon the person to its owner.

21 (b) No person licensed under Section 12071 shall supply, sell,
22 deliver, or give possession or control of a pistol, revolver, or
23 firearm capable of being concealed upon the person to any
24 person under the age of 21 years or any other firearm to a person
25 under the age of 18 years.

26 (c) No dealer, whether or not acting pursuant to Section
27 12082, shall deliver a firearm to a person, as follows:

28 (1) Within 10 days of the application to purchase, or, after
29 notice by the department pursuant to subdivision (d) of Section
30 12076, within 10 days of the submission to the department of any
31 correction to the application, or within 10 days of the submission
32 to the department of any fee required pursuant to subdivision (e)
33 of Section 12076, whichever is later.

34 (2) Unless unloaded and securely wrapped or unloaded and in
35 a locked container.

36 (3) Unless the purchaser, transferee, or person being loaned
37 the firearm presents clear evidence of his or her identity and age,
38 as defined in Section ~~12071~~ 12071.2, to the dealer.

39 (4) Whenever the dealer is notified by the Department of
40 Justice that the person is in a prohibited class described in

1 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
2 the Welfare and Institutions Code.

3 (5) (A) Commencing April 1, 1994, and until January 1, 2003,
4 no pistol, revolver, or other firearm capable of being concealed
5 upon the person shall be delivered unless the purchaser,
6 transferee, or person being loaned the firearm presents to the
7 dealer a basic firearms safety certificate.

8 (B) Commencing January 1, 2003, no handgun shall be
9 delivered unless the purchaser, transferee, or person being loaned
10 the handgun presents a handgun safety certificate to the dealer.

11 (6) No pistol, revolver, or other firearm capable of being
12 concealed upon the person shall be delivered whenever the dealer
13 is notified by the Department of Justice that within the preceding
14 30-day period the purchaser has made another application to
15 purchase a pistol, revolver, or other firearm capable of being
16 concealed upon the person and that the previous application to
17 purchase involved none of the entities specified in subparagraph
18 (B) of paragraph (9) of subdivision (a).

19 (d) Where neither party to the transaction holds a dealer's
20 license issued pursuant to Section 12071, the parties to the
21 transaction shall complete the sale, loan, or transfer of that
22 firearm through either of the following:

23 ~~(1) A a licensed firearms dealer pursuant to Section 12082.~~

24 ~~(2) A law enforcement agency pursuant to Section 12084.~~

25 (e) No person may commit an act of collusion relating to
26 Article 8 (commencing with Section 12800) of Chapter 6. For
27 purposes of this section and Section ~~12071~~ 12071.1, collusion
28 may be proven by any one of the following factors:

29 (1) Answering a test applicant's questions during an objective
30 test relating to firearms safety.

31 (2) Knowingly grading the examination falsely.

32 (3) Providing an advance copy of the test to an applicant.

33 (4) Taking or allowing another person to take the basic
34 firearms safety course for one who is the applicant for a basic
35 firearms safety certificate or a handgun safety certificate.

36 (5) Allowing another to take the objective test for the
37 applicant, purchaser, or transferee.

38 (6) Using or allowing another to use one's identification, proof
39 of residency, or thumbprint.

1 (7) Allowing others to give unauthorized assistance during the
2 examination.

3 (8) Reference to unauthorized materials during the
4 examination and cheating by the applicant.

5 (9) Providing originals or photocopies of the objective test, or
6 any version thereof, to any person other than as authorized by the
7 department.

8 (f) (1) No person who is licensed pursuant to Chapter 44
9 (commencing with Section 921) of Title 18 of the United States
10 Code shall deliver, sell, or transfer a firearm to a person who is
11 licensed pursuant to Chapter 44 (commencing with Section 921)
12 of Title 18 of the United States Code and whose licensed
13 premises are located in this state unless:

14 (A) Prior to January 1, 2005, the intended recipient does one
15 of the following:

16 (i) Presents proof of licensure pursuant to Section 12071 to
17 that person.

18 (ii) Presents proof that he or she is exempt from licensure
19 under Section 12071 to that person, in which case the person also
20 shall present proof that the transaction is also exempt from the
21 provisions of subdivision (d).

22 (B) Commencing January 1, 2005, one of the following is
23 satisfied:

24 (i) The person intending to deliver, sell, or transfer the
25 firearms obtains from the department, prior to delivery, a unique
26 verification number pursuant to ~~subdivision (i) of Section 12071~~
27 *12071.7*. The person intending to deliver, sell, or transfer
28 firearms shall provide the unique verification number to the
29 recipient along with the firearms upon delivery, in a manner to be
30 determined by the department.

31 (ii) The intended recipient presents proof that he or she is
32 exempt from licensure under Section 12071 to that person, in
33 which case the person also shall present proof that the transaction
34 is also exempt from the provisions of subdivision (d).

35 (2) (A) On or after January 1, 1998, within 60 days of
36 bringing a pistol, revolver, or other firearm capable of being
37 concealed upon the person into this state, a personal handgun
38 importer shall do one of the following:

39 (i) Forward by prepaid mail or deliver in person to the
40 Department of Justice, a report prescribed by the department

1 including information concerning that individual and a
2 description of the firearm in question.

3 (ii) Sell or transfer the firearm in accordance with the
4 provisions of subdivision (d) or in accordance with the provisions
5 of an exemption from subdivision (d).

6 (iii) Sell or transfer the firearm to a dealer licensed pursuant to
7 Section 12071.

8 (iv) Sell or transfer the firearm to a sheriff or police
9 department.

10 (B) If the personal handgun importer sells or transfers the
11 pistol, revolver, or other firearm capable of being concealed upon
12 the person pursuant to subdivision (d) of Section 12072 and the
13 sale or transfer cannot be completed by the dealer to the
14 purchaser or transferee, and the firearm can be returned to the
15 personal handgun importer, the personal handgun importer shall
16 have complied with the provisions of this paragraph.

17 (C) The provisions of this paragraph are cumulative and shall
18 not be construed as restricting the application of any other law.
19 However, an act or omission punishable in different ways by this
20 section and different provisions of the Penal Code shall not be
21 punished under more than one provision.

22 (D) (i) On and after January 1, 1998, the department shall
23 conduct a public education and notification program regarding
24 this paragraph to ensure a high degree of publicity of the
25 provisions of this paragraph.

26 (ii) As part of the public education and notification program
27 described in this subparagraph, the department shall do all of the
28 following:

29 (I) Work in conjunction with the Department of Motor
30 Vehicles to ensure that any person who is subject to this
31 paragraph is advised of the provisions of this paragraph, and
32 provided with blank copies of the report described in clause (i) of
33 subparagraph (A) at the time that person applies for a California
34 driver's license or registers his or her motor vehicle in
35 accordance with the Vehicle Code.

36 (II) Make the reports referred to in clause (i) of subparagraph
37 (A) available to dealers licensed pursuant to Section 12071.

38 (III) Make the reports referred to in clause (i) of subparagraph
39 (A) available to law enforcement agencies.

1 (IV) Make persons subject to the provisions of this paragraph
2 aware of the fact that reports referred to in clause (i) of
3 subparagraph (A) may be completed at either the licensed
4 premises of dealers licensed pursuant to Section 12071 or at law
5 enforcement agencies, that it is advisable to do so for the sake of
6 accuracy and completeness of the reports, that prior to
7 transporting a pistol, revolver, or other firearm capable of being
8 concealed upon the person to a law enforcement agency in order
9 to comply with subparagraph (A), the person should give prior
10 notice to the law enforcement agency that he or she is doing so,
11 and that in any event, the pistol, revolver, or other firearm
12 capable of being concealed upon the person should be
13 transported unloaded and in a locked container.

14 (iii) Any costs incurred by the department to implement this
15 paragraph shall be absorbed by the department within its existing
16 budget and the fees in the Dealers' Record of Sale Special
17 Account allocated for implementation of this subparagraph
18 pursuant to Section 12076.

19 (3) Where a person who is licensed as a collector pursuant to
20 Chapter 44 (commencing with Section 921) of Title 18 of the
21 United States Code and the regulations issued pursuant thereto,
22 whose licensed premises are within this state, acquires a pistol,
23 revolver, or other firearm capable of being concealed upon the
24 person that is a curio or relic, as defined in Section 478.11 of
25 Title 27 of the Code of Federal Regulations, outside of this state,
26 takes actual possession of that firearm outside of this state
27 pursuant to the provisions of subsection (j) of Section 923 of
28 Title 18 of the United States Code, as amended by Public Law
29 104-208, and transports that firearm into this state, within five
30 days of that licensed collector transporting that firearm into this
31 state, he or she shall report to the department in a format
32 prescribed by the department his or her acquisition of that
33 firearm.

34 (4) (A) It is the intent of the Legislature that a violation of
35 paragraph (2) or (3) shall not constitute a "continuing offense"
36 and the statute of limitations for commencing a prosecution for a
37 violation of paragraph (2) or (3) commences on the date that the
38 applicable grace period specified in paragraph (2) or (3) expires.

39 (B) Paragraphs (2) and (3) shall not apply to a person who
40 reports his or her ownership of a pistol, revolver, or other firearm

1 capable of being concealed upon the person after the applicable
2 grace period specified in paragraph (2) or (3) expires if evidence
3 of that violation arises only as the result of the person submitting
4 the report described in paragraph (2) or (3).

5 (g) (1) Except as provided in paragraph (2), (3), or (5), a
6 violation of this section is a misdemeanor.

7 (2) If any of the following circumstances apply, a violation of
8 this section is punishable by imprisonment in the state prison for
9 two, three, or four years.

10 (A) If the violation is of paragraph (1) of subdivision (a).

11 (B) If the defendant has a prior conviction of violating the
12 provisions, other than paragraph (9) of subdivision (a), of this
13 section or former Section 12100 of this code or Section 8101 of
14 the Welfare and Institutions Code.

15 (C) If the defendant has a prior conviction of violating any
16 offense specified in subdivision (b) of Section 12021.1 or of a
17 violation of Section 12020, 12220, or 12520, or of former
18 Section 12560.

19 (D) If the defendant is in a prohibited class described in
20 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
21 the Welfare and Institutions Code.

22 (E) A violation of this section by a person who actively
23 participates in a “criminal street gang” as defined in Section
24 186.22.

25 (F) A violation of subdivision (b) involving the delivery of any
26 firearm to a person who the dealer knows, or should know, is a
27 minor.

28 (3) If any of the following circumstances apply, a violation of
29 this section shall be punished by imprisonment in a county jail
30 not exceeding one year or in the state prison, or by a fine not to
31 exceed one thousand dollars (\$1,000), or by both that fine and
32 imprisonment.

33 (A) A violation of paragraph (2), (4), or (5) of subdivision (a).

34 (B) A violation of paragraph (3) of subdivision (a) involving
35 the sale, loan, or transfer of a pistol, revolver, or other firearm
36 capable of being concealed upon the person to a minor.

37 (C) A violation of subdivision (b) involving the delivery of a
38 pistol, revolver, or other firearm capable of being concealed upon
39 the person.

1 (D) A violation of paragraph (1), (3), (4), (5), or (6) of
2 subdivision (c) involving a pistol, revolver, or other firearm
3 capable of being concealed upon the person.

4 (E) A violation of subdivision (d) involving a pistol, revolver,
5 or other firearm capable of being concealed upon the person.

6 (F) A violation of subdivision (e).

7 (4) If both of the following circumstances apply, an additional
8 term of imprisonment in the state prison for one, two, or three
9 years shall be imposed in addition and consecutive to the
10 sentence prescribed.

11 (A) A violation of paragraph (2) of subdivision (a) or
12 subdivision (b).

13 (B) The firearm transferred in violation of paragraph (2) of
14 subdivision (a) or subdivision (b) is used in the subsequent
15 commission of a felony for which a conviction is obtained and
16 the prescribed sentence is imposed.

17 (5) (A) A first violation of paragraph (9) of subdivision (a) is
18 an infraction punishable by a fine of fifty dollars (\$50).

19 (B) A second violation of paragraph (9) of subdivision (a) is
20 an infraction punishable by a fine of one hundred dollars (\$100).

21 (C) A third or subsequent violation of paragraph (9) of
22 subdivision (a) is a misdemeanor.

23 (D) For purposes of this paragraph each application to
24 purchase a pistol, revolver, or other firearm capable of being
25 concealed upon the person in violation of paragraph (9) of
26 subdivision (a) shall be deemed a separate offense.

27 SEC. 27. Section 12076 of the Penal Code is amended to
28 read:

29 12076. (a) (1) Before January 1, 1998, the Department of
30 Justice shall determine the method by which a dealer shall submit
31 firearm purchaser information to the department and the
32 information shall be in one of the following formats:

33 (A) Submission of the register described in Section 12077.

34 (B) Electronic or telephonic transfer of the information
35 contained in the register described in Section 12077.

36 (2) On or after January 1, 1998, electronic or telephonic
37 transfer, including voice or facsimile transmission, shall be the
38 exclusive means by which purchaser information is transmitted
39 to the department.

(3) On or after January 1, 2003, except as permitted by the department, electronic transfer shall be the exclusive means by which information is transmitted to the department. Telephonic transfer shall not be permitted for information regarding sales of any firearms.

(b) (1) Where the register is used, the purchaser of any firearm shall be required to present clear evidence of his or her identity and age, as defined in Section ~~12071~~ 12071.2, to the dealer, and the dealer shall require him or her to sign his or her current legal name and affix his or her residence address and date of birth to the register in quadruplicate. The salesperson shall affix his or her signature to the register in quadruplicate as a witness to the signature and identification of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the register and any person violating any provision of this section is guilty of a misdemeanor.

(2) The original of the register shall be retained by the dealer in consecutive order. Each book of 50 originals shall become the permanent register of transactions that shall be retained for not less than three years from the date of the last transaction and shall be available for the inspection of any peace officer, Department of Justice employee designated by the Attorney General, or agent of the federal Bureau of Alcohol, Tobacco, and Firearms upon the presentation of proper identification, but no information shall be compiled therefrom regarding the purchasers or other transferees of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person.

(3) Two copies of the original sheet of the register, on the date of the application to purchase, shall be placed in the mail, postage prepaid, and properly addressed to the Department of Justice in Sacramento.

(4) If requested, a photocopy of the original shall be provided to the purchaser by the dealer.

(5) If the transaction is one conducted pursuant to Section 12082, a photocopy of the original shall be provided to the seller by the dealer, upon request.

(c) (1) Where the electronic or telephonic transfer of applicant information is used, the purchaser shall be required to present

1 clear evidence of his or her identity and age, as defined in
2 Section ~~12071~~ 12071.2, to the dealer, and the dealer shall require
3 him or her to sign his or her current legal name to the record of
4 electronic or telephonic transfer. The salesperson shall affix his
5 or her signature to the record of electronic or telephonic transfer
6 as a witness to the signature and identification of the purchaser.
7 Any person furnishing a fictitious name or address or knowingly
8 furnishing any incorrect information or knowingly omitting any
9 information required to be provided for the electronic or
10 telephonic transfer and any person violating any provision of this
11 section is guilty of a misdemeanor.

12 (2) The record of applicant information shall be transmitted to
13 the Department of Justice in Sacramento by electronic or
14 telephonic transfer on the date of the application to purchase.

15 (3) The original of each record of electronic or telephonic
16 transfer shall be retained by the dealer in consecutive order. Each
17 original shall become the permanent record of the transaction that
18 shall be retained for not less than three years from the date of the
19 last transaction and shall be provided for the inspection of any
20 peace officer, Department of Justice employee designated by the
21 Attorney General, or agent of the federal Bureau of Alcohol,
22 Tobacco, and Firearms, upon the presentation of proper
23 identification, but no information shall be compiled therefrom
24 regarding the purchasers or other transferees of firearms that are
25 not pistols, revolvers, or other firearms capable of being
26 concealed upon the person.

27 (4) If requested, a copy of the record of electronic or
28 telephonic transfer shall be provided to the purchaser by the
29 dealer.

30 (5) If the transaction is one conducted pursuant to Section
31 12082, a copy shall be provided to the seller by the dealer, upon
32 request.

33 (d) (1) The department shall examine its records, as well as
34 those records that it is authorized to request from the State
35 Department of Mental Health pursuant to Section 8104 of the
36 Welfare and Institutions Code, in order to determine if the
37 purchaser is a person described in Section 12021, 12021.1, or
38 subparagraph (A) of paragraph (9) of subdivision (a) of Section
39 12072 of this code or Section 8100 or 8103 of the Welfare and
40 Institutions Code.

(2) To the extent that funding is available, the Department of Justice may participate in the National Instant Criminal Background Check System (NICS), as described in subsection (t) of Section 922 of Title 18 of the United States Code, and, if that participation is implemented, shall notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, that the purchaser is a person prohibited from acquiring a firearm under federal law.

(3) If the department determines that the purchaser is a person described in Section 12021, 12021.1, or subparagraph (A) of paragraph (9) of subdivision (a) of Section 12072 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact.

(4) If the department determines that the copies of the register submitted to it pursuant to paragraph (3) of subdivision (b) contain any blank spaces or inaccurate, illegible, or incomplete information, preventing identification of the purchaser or the pistol, revolver, or other firearm to be purchased, or if any fee required pursuant to subdivision (e) is not submitted by the dealer in conjunction with submission of copies of the register, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall submit corrected copies of the register to the department, or shall submit any fee required pursuant to subdivision (e), or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections ~~12071~~ 12071.2 and 12072.

(5) If the department determines that the information transmitted to it pursuant to subdivision (c) contains inaccurate or incomplete information preventing identification of the purchaser or the pistol, revolver, or other firearm capable of being concealed upon the person to be purchased, or if the fee required pursuant to subdivision (e) is not transmitted by the dealer in

1 conjunction with transmission of the electronic or telephonic
2 record, the department may notify the dealer of that fact. Upon
3 notification by the department, the dealer shall transmit
4 corrections to the record of electronic or telephonic transfer to
5 the department, or shall transmit any fee required pursuant to
6 subdivision (e), or both, as appropriate, and if notification by the
7 department is received by the dealer at any time prior to delivery
8 of the firearm to be purchased, the dealer shall withhold delivery
9 until the conclusion of the waiting period described in Sections
10 ~~12071~~ 12071.2 and 12072.

11 (e) The Department of Justice may require the dealer to charge
12 each firearm purchaser a fee not to exceed fourteen dollars (\$14),
13 except that the fee may be increased at a rate not to exceed any
14 increase in the California Consumer Price Index as compiled and
15 reported by the California Department of Industrial Relations.
16 The fee shall be no more than is necessary to fund the following:

17 (1) (A) The department for the cost of furnishing this
18 information.

19 (B) The department for the cost of meeting its obligations
20 under paragraph (2) of subdivision (b) of Section 8100 of the
21 Welfare and Institutions Code.

22 (2) Local mental health facilities for state-mandated local costs
23 resulting from the reporting requirements imposed by Section
24 8103 of the Welfare and Institutions Code.

25 (3) The State Department of Mental Health for the costs
26 resulting from the requirements imposed by Section 8104 of the
27 Welfare and Institutions Code.

28 (4) Local mental hospitals, sanitariums, and institutions for
29 state-mandated local costs resulting from the reporting
30 requirements imposed by Section 8105 of the Welfare and
31 Institutions Code.

32 (5) Local law enforcement agencies for state-mandated local
33 costs resulting from the notification requirements set forth in
34 subdivision (a) of Section 6385 of the Family Code.

35 (6) Local law enforcement agencies for state-mandated local
36 costs resulting from the notification requirements set forth in
37 subdivision (c) of Section 8105 of the Welfare and Institutions
38 Code.

39 (7) For the actual costs associated with the electronic or
40 telephonic transfer of information pursuant to subdivision (c).

1 (8) The Department of Food and Agriculture for the costs
2 resulting from the notification provisions set forth in Section
3 5343.5 of the Food and Agricultural Code.

4 (9) The department for the costs associated with subparagraph
5 (D) of paragraph (2) of subdivision (f) of Section 12072.

6 (10) The department for the costs associated with funding
7 Department of Justice firearms-related regulatory and
8 enforcement activities related to the sale, purchase, loan, or
9 transfer of firearms pursuant to this chapter.

10 The fee established pursuant to this subdivision shall not
11 exceed the sum of the actual processing costs of the department,
12 the estimated reasonable costs of the local mental health facilities
13 for complying with the reporting requirements imposed by
14 paragraph (2) of this subdivision, the costs of the State
15 Department of Mental Health for complying with the
16 requirements imposed by paragraph (3) of this subdivision, the
17 estimated reasonable costs of local mental hospitals, sanitariums,
18 and institutions for complying with the reporting requirements
19 imposed by paragraph (4) of this subdivision, the estimated
20 reasonable costs of local law enforcement agencies for
21 complying with the notification requirements set forth in
22 subdivision (a) of Section 6385 of the Family Code, the
23 estimated reasonable costs of local law enforcement agencies for
24 complying with the notification requirements set forth in
25 subdivision (c) of Section 8105 of the Welfare and Institutions
26 Code imposed by paragraph (6) of this subdivision, the estimated
27 reasonable costs of the Department of Food and Agriculture for
28 the costs resulting from the notification provisions set forth in
29 Section 5343.5 of the Food and Agricultural Code, the estimated
30 reasonable costs of the department for the costs associated with
31 subparagraph (D) of paragraph (2) of subdivision (f) of Section
32 12072, and the estimated reasonable costs of department
33 firearms-related regulatory and enforcement activities related to
34 the sale, purchase, loan, or transfer of firearms pursuant to this
35 chapter.

36 (f) (1) The Department of Justice may charge a fee sufficient
37 to reimburse it for each of the following but not to exceed
38 fourteen dollars (\$14), except that the fee may be increased at a
39 rate not to exceed any increase in the California Consumer Price

1 Index as compiled and reported by the California Department of
2 Industrial Relations:

3 (A) For the actual costs associated with the preparation, sale,
4 processing, and filing of forms or reports required or utilized
5 pursuant to Section 12078 ~~if neither a dealer nor a law~~
6 ~~enforcement agency acting pursuant to Section 12084 is filing the~~
7 ~~form or report.~~

8 (B) For the actual processing costs associated with the
9 submission of a Dealers' Record of Sale to the department ~~by a~~
10 ~~dealer or of the submission of a LEFT to the department by a law~~
11 ~~enforcement agency acting pursuant to Section 12084 if the~~
12 ~~waiting period described in Sections 12071, 12072, and 12084~~
13 ~~does not apply.~~

14 (C) For the actual costs associated with the preparation, sale,
15 processing, and filing of reports utilized pursuant to subdivision
16 (l) of Section 12078 or ~~paragraph (18) of~~ subdivision (b) of
17 ~~Section 12071~~ 12071.5, or clause (i) of subparagraph (A) of
18 paragraph (2) of subdivision (f) of Section 12072, or paragraph
19 (3) of subdivision (f) of Section 12072, *or subdivision (u) of*
20 *Section 12078.*

21 (D) For the actual costs associated with the electronic or
22 telephonic transfer of information pursuant to subdivision (c).

23 (2) If the department charges a fee pursuant to subparagraph
24 (B) of paragraph (1) of this subdivision, it shall be charged in the
25 same amount to all categories of transaction that are within that
26 subparagraph.

27 (3) Any costs incurred by the Department of Justice to
28 implement this subdivision shall be reimbursed from fees
29 collected and charged pursuant to this subdivision. No fees shall
30 be charged to the dealer pursuant to subdivision (e) ~~or to a law~~
31 ~~enforcement agency acting pursuant to paragraph (6) of~~
32 ~~subdivision (d) of Section 12084 for costs incurred for~~
33 ~~implementing this subdivision.~~

34 (g) All money received by the department pursuant to this
35 section shall be deposited in the Dealers' Record of Sale Special
36 Account of the General Fund, which is hereby created, to be
37 available, upon appropriation by the Legislature, for expenditure
38 by the department to offset the costs incurred pursuant to this
39 section, paragraph (1) and subparagraph (D) of paragraph (2) of
40 subdivision (f) of Section 12072, Sections 12083 and 12099,

1 subdivision (c) of Section 12131, Sections 12234, 12289, and
2 12289.5, and subdivisions (f) and (g) of Section 12305.

3 (h) Where the electronic or telephonic transfer of applicant
4 information is used, the department shall establish a system to be
5 used for the submission of the fees described in subdivision (e) to
6 the department.

7 (i) (1) Only one fee shall be charged pursuant to this section
8 for a single transaction on the same date for the sale of any
9 number of firearms that are not pistols, revolvers, or other
10 firearms capable of being concealed upon the person or for the
11 taking of possession of those firearms.

12 (2) In a single transaction on the same date for the delivery of
13 any number of firearms that are pistols, revolvers, or other
14 firearms capable of being concealed upon the person, the
15 department shall charge a reduced fee pursuant to this section for
16 the second and subsequent firearms that are part of that
17 transaction.

18 (j) Only one fee shall be charged pursuant to this section for a
19 single transaction on the same date for taking title or possession
20 of any number of firearms pursuant to ~~paragraph (18) of~~
21 subdivision (b) of Section ~~12071~~ 12071.5 or subdivision (c) or (i)
22 of Section 12078.

23 (k) Whenever the Department of Justice acts pursuant to this
24 section as it pertains to firearms other than pistols, revolvers, or
25 other firearms capable of being concealed upon the person, the
26 department's acts or omissions shall be deemed to be
27 discretionary within the meaning of the California Tort Claims
28 Act pursuant to Division 3.6 (commencing with Section 810) of
29 Title 1 of the Government Code.

30 (l) As used in this section, the following definitions apply:

31 (1) "Purchaser" means the purchaser or transferee of a firearm
32 or a person being loaned a firearm.

33 (2) "Purchase" means the purchase, loan, or transfer of a
34 firearm.

35 (3) "Sale" means the sale, loan, or transfer of a firearm.

36 (4) "Seller" means, if the transaction is being conducted
37 pursuant to Section 12082, the person selling, loaning, or
38 transferring the firearm.

39 SEC. 28. Section 12078 of the Penal Code is amended to
40 read:

12078. (a) (1) The waiting periods described in Sections ~~12071, 12071.2 and 12072, and 12084~~ shall not apply to deliveries, transfers, or sales of firearms made to persons properly identified as full-time paid peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, provided that the peace officers are authorized by their employer to carry firearms while in the performance of their duties. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of his or her duties, and authorizing the purchase or transfer. The certification shall be delivered to the dealer ~~or local law enforcement agency acting pursuant to Section 12084~~ at the time of purchase or transfer and the purchaser or transferee shall identify himself or herself as the person authorized in the certification. The dealer ~~or local law enforcement agency~~ shall keep the certification with the record of sale, ~~or LEFT, as the case may be.~~ On the date that the delivery, sale, or transfer is made, the dealer delivering the firearm ~~or the law enforcement agency processing the transaction pursuant to Section 12084~~ shall forward by prepaid mail to the Department of Justice a report of the transaction pursuant to subdivision (b) or (c) of Section ~~12077 or Section 12084.~~ If electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12077.

(2) Subdivision (b) of Section 12801 and the preceding provisions of this article do not apply to deliveries, transfers, or sales of firearms made to authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those governmental agencies if, prior to the delivery, transfer, or sale of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is

1 employed, identifying the employee as an individual authorized
2 to conduct the transaction, and authorizing the transaction for the
3 exclusive use of the agency by which he or she is employed.
4 Within 10 days of the date a handgun is acquired by the agency,
5 a record of the same shall be entered as an institutional weapon
6 into the Automated Firearms System (AFS) via the California
7 Law Enforcement Telecommunications System (CLETS) by the
8 law enforcement or state agency. Those agencies without access
9 to AFS shall arrange with the sheriff of the county in which the
10 agency is located to input this information via this system.

11 (3) Subdivision (b) of Section 12801 and the preceding
12 provisions of this article do not apply to the loan of a firearm
13 made by an authorized law enforcement representative of a city,
14 county, or city and county, or the state or federal government to a
15 peace officer employed by that agency and authorized to carry a
16 firearm for the carrying and use of that firearm by that peace
17 officer in the course and scope of his or her duties.

18 (4) Subdivision (b) of Section 12801 and the preceding
19 provisions of this article do not apply to the delivery, sale, or
20 transfer of a firearm by a law enforcement agency to a peace
21 officer pursuant to Section 10334 of the Public Contract Code.
22 Within 10 days of the date that a handgun is sold, delivered, or
23 transferred pursuant to Section 10334 of the Public Contract
24 Code to that peace officer, the name of the officer and the make,
25 model, serial number, and other identifying characteristics of the
26 firearm being sold, transferred, or delivered shall be entered into
27 the Automated Firearms System (AFS) via the California Law
28 Enforcement Telecommunications System (CLETS) by the law
29 enforcement or state agency that sold, transferred, or delivered
30 the firearm. Those agencies without access to AFS shall arrange
31 with the sheriff of the county in which the agency is located to
32 input this information via this system.

33 (5) Subdivision (b) of Section 12801 and the preceding
34 provisions of this article do not apply to the delivery, sale, or
35 transfer of a firearm by a law enforcement agency to a retiring
36 peace officer who is authorized to carry a firearm pursuant to
37 Section 12027.1. Within 10 days of the date that a handgun is
38 sold, delivered, or transferred to that retiring peace officer, the
39 name of the officer and the make, model, serial number, and
40 other identifying characteristics of the firearm being sold,

1 transferred, or delivered shall be entered into the Automated
2 Firearms System (AFS) via the California Law Enforcement
3 Telecommunications System (CLETS) by the law enforcement or
4 state agency that sold, transferred, or delivered the firearm.
5 Those agencies without access to AFS shall arrange with the
6 sheriff of the county in which the agency is located to input this
7 information via this system.

8 (6) Subdivision (d) of Section 12072 and subdivision (b) of
9 Section 12801 do not apply to sales, deliveries, or transfers of
10 firearms to authorized representatives of cities, cities and
11 counties, counties, or state or federal governments for those
12 governmental agencies where the entity is acquiring the weapon
13 as part of an authorized, voluntary program where the entity is
14 buying or receiving weapons from private individuals. Any
15 weapons acquired pursuant to this paragraph shall be disposed of
16 pursuant to the applicable provisions of Section 12028 or 12032.

17 (7) Subdivision (d) of Section 12072 and subdivision (b) of
18 Section 12801 shall not apply to the sale, loan, delivery, or
19 transfer of a firearm made by an authorized law enforcement
20 representative of a city, county, city and county, state, or the
21 federal government to any public or private nonprofit historical
22 society, museum, or institutional collection or the purchase or
23 receipt of that firearm by that public or private nonprofit
24 historical society, museum, or institutional collection if all of the
25 following conditions are met:

26 (A) The entity receiving the firearm is open to the public.

27 (B) The firearm prior to delivery is deactivated or rendered
28 inoperable.

29 (C) The firearm is not subject to Section 12028, 12028.5,
30 12030, or 12032.

31 (D) The firearm is not prohibited by other provisions of law
32 from being sold, delivered, or transferred to the public at large.

33 (E) Prior to delivery, the entity receiving the firearm submits a
34 written statement to the law enforcement representative stating
35 that the firearm will not be restored to operating condition, and
36 will either remain with that entity, or if subsequently disposed of,
37 will be transferred in accordance with the applicable provisions
38 of this article and, if applicable, Section 12801.

39 (F) Within 10 days of the date that the firearm is sold, loaned,
40 delivered, or transferred to that entity, the name of the

1 government entity delivering the firearm, and the make, model,
2 serial number, and other identifying characteristics of the firearm
3 and the name of the person authorized by the entity to take
4 possession of the firearm shall be reported to the department in a
5 manner prescribed by the department.

6 (G) In the event of a change in the status of the designated
7 representative, the entity shall notify the department of a new
8 representative within 30 days.

9 (8) Subdivision (d) of Section 12072 and subdivision (b) of
10 Section 12801 shall not apply to the sale, loan, delivery, or
11 transfer of a firearm made by any person other than a
12 representative of an authorized law enforcement agency to any
13 public or private nonprofit historical society, museum, or
14 institutional collection if all of the following conditions are met:

15 (A) The entity receiving the firearm is open to the public.

16 (B) The firearm is deactivated or rendered inoperable prior to
17 delivery.

18 (C) The firearm is not of a type prohibited from being sold,
19 delivered, or transferred to the public.

20 (D) Prior to delivery, the entity receiving the firearm submits a
21 written statement to the person selling, loaning, or transferring
22 the firearm stating that the firearm will not be restored to
23 operating condition, and will either remain with that entity, or if
24 subsequently disposed of, will be transferred in accordance with
25 the applicable provisions of this article and, if applicable Section
26 12801.

27 (E) If title to a handgun is being transferred to the public or
28 private nonprofit historical society, museum, or institutional
29 collection, then the designated representative of that public or
30 private historical society, museum or institutional collection
31 within 30 days of taking possession of that handgun, shall
32 forward by prepaid mail or deliver in person to the Department of
33 Justice, a single report signed by both parties to the transaction,
34 that includes information identifying the person representing that
35 public or private historical society, museum, or institutional
36 collection, how title was obtained and from whom, and a
37 description of the firearm in question, along with a copy of the
38 written statement referred to in subparagraph (D). The report
39 forms that are to be completed pursuant to this paragraph shall be
40 provided by the Department of Justice.

1 (F) In the event of a change in the status of the designated
2 representative, the entity shall notify the department of a new
3 representative within 30 days.

4 (b) (1) ~~Section~~ *Sections 12071, 12071.1, 12071.2, 12071.3,*
5 *12071.5,* subdivisions (c) and (d) of Section 12072, and
6 subdivision (b) of Section 12801 shall not apply to deliveries,
7 sales, or transfers of firearms between or to importers and
8 manufacturers of firearms licensed to engage in that business
9 pursuant to Chapter 44 (commencing with Section 921) of Title
10 18 of the United States Code and the regulations issued pursuant
11 thereto.

12 (2) Subdivision (b) of Section 12801 shall not apply to the
13 delivery, sale, or transfer of a handgun to a person licensed
14 pursuant to Section 12071, where the licensee is receiving the
15 handgun in the course and scope of his or her activities as a
16 person licensed pursuant to Section 12071.

17 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
18 infrequent transfer of a firearm that is not a handgun by gift,
19 bequest, intestate succession, or other means by one individual to
20 another if both individuals are members of the same immediate
21 family.

22 (2) Subdivision (d) of Section 12072 shall not apply to the
23 infrequent transfer of a handgun by gift, bequest, intestate
24 succession, or other means by one individual to another if both
25 individuals are members of the same immediate family and ~~both~~
26 *all* of the following conditions are met:

27 (A) The person to whom the firearm is transferred shall,
28 within 30 days of taking possession of the firearm, forward by
29 prepaid mail or deliver in person to the Department of Justice, a
30 report that includes information concerning the individual taking
31 possession of the firearm, how title was obtained and from
32 whom, and a description of the firearm in question. The report
33 forms that individuals complete pursuant to this paragraph shall
34 be provided to them by the Department of Justice.

35 (B) The person taking title to the firearm shall first obtain a
36 handgun safety certificate.

37 (C) The person receiving the firearm is 18 years of age or
38 older.

39 (3) As used in this subdivision, "immediate family member"
40 means any one of the following relationships:

1 (A) Parent and child.

2 (B) Grandparent and grandchild.

3 (d) (1) Subdivision (d) of Section 12072 shall not apply to the
4 infrequent loan of firearms between persons who are personally
5 known to each other for any lawful purpose, if the loan does not
6 exceed 30 days in duration and, when the firearm is a handgun,
7 commencing January 1, 2003, the individual being loaned the
8 handgun has a valid handgun safety certificate.

9 (2) Subdivision (d) of Section 12072, and subdivision (b) of
10 Section 12801 shall not apply to the loan of a firearm where all
11 of the following conditions exist:

12 (A) The person loaning the firearm is at all times within the
13 presence of the person being loaned the firearm.

14 (B) The loan is for a lawful purpose.

15 (C) The loan does not exceed three days in duration.

16 (D) The individual receiving the firearm is not prohibited from
17 owning or possessing a firearm pursuant to Section 12021 or
18 12021.1 of this code, or by Section 8100 or 8103 of the Welfare
19 and Institutions Code.

20 (E) The person loaning the firearm is 18 years of age or older.

21 (F) The person being loaned the firearm is 18 years of age or
22 older.

23 (e) ~~Section~~ *Sections 12071, 12071.1, 12071.2, 12071.3,*
24 *12071.5,* subdivisions (c) and (d) of Section 12072, and
25 subdivision (b) of Section 12801 shall not apply to the delivery
26 of a firearm to a gunsmith for service or repair, or to the return of
27 the firearm to its owner by the gunsmith.

28 (f) Subdivision (d) of Section 12072 and subdivision (b) of
29 Section 12801 shall not apply to the sale, delivery, or transfer of
30 firearms by persons who reside in this state to persons who reside
31 outside this state who are licensed pursuant to Chapter 44
32 (commencing with Section 921) of Title 18 of the United States
33 Code and the regulations issued pursuant thereto, if the sale,
34 delivery, or transfer is in accordance with Chapter 44
35 (commencing with Section 921) of Title 18 of the United States
36 Code and the regulations issued pursuant thereto.

37 (g) (1) Subdivision (d) of Section 12072 shall not apply to the
38 infrequent sale or transfer of a firearm, other than a handgun, at
39 auctions or similar events conducted by nonprofit mutual or

1 public benefit corporations organized pursuant to the
2 Corporations Code.

3 As used in this paragraph, the term “infrequent” shall not be
4 construed to prohibit different local chapters of the same
5 nonprofit corporation from conducting auctions or similar events,
6 provided the individual local chapter conducts the auctions or
7 similar events infrequently. It is the intent of the Legislature that
8 different local chapters, representing different localities, be
9 entitled to invoke the exemption created by this paragraph,
10 notwithstanding the frequency with which other chapters of the
11 same nonprofit corporation may conduct auctions or similar
12 events.

13 (2) Subdivision (d) of Section 12072 shall not apply to the
14 transfer of a firearm other than a handgun, if the firearm is
15 donated for an auction or similar event described in paragraph (1)
16 and the firearm is delivered to the nonprofit corporation
17 immediately preceding, or contemporaneous with, the auction or
18 similar event.

19 (3) The waiting period described in Sections ~~12071~~ 12071.2
20 and 12072 shall not apply to a dealer who delivers a firearm
21 other than a handgun at an auction or similar event described in
22 paragraph (1), as authorized by ~~subparagraph (C) of paragraph~~
23 ~~(1) of subdivision (b) of Section 12071~~ 12071.1. Within two
24 business days of completion of the application to purchase, the
25 dealer shall forward by prepaid mail to the Department of Justice
26 a report of the same as is indicated in subdivision (c) of Section
27 12077. If the electronic or telephonic transfer of applicant
28 information is used, within two business days of completion of
29 the application to purchase, the dealer delivering the firearm shall
30 transmit to the Department of Justice an electronic or telephonic
31 report of the same as is indicated in subdivision (c) of Section
32 12077.

33 (h) Subdivision (d) of Section 12072 and subdivision (b) of
34 Section 12801 shall not apply to the loan of a firearm to a person
35 18 years of age or older for the purposes of shooting at targets if
36 the loan occurs on the premises of a target facility that holds a
37 business or regulatory license or on the premises of any club or
38 organization organized for the purposes of practicing shooting at
39 targets upon established ranges, whether public or private, if the

1 firearm is at all times kept within the premises of the target range
2 or on the premises of the club or organization.

3 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
4 person who takes title or possession of a firearm that is not a
5 handgun by operation of law if the person is not prohibited by
6 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
7 the Welfare and Institutions Code from possessing firearms.

8 (2) Subdivision (d) of Section 12072 shall not apply to a
9 person who takes title or possession of a handgun by operation of
10 law if the person is not prohibited by Section 12021 or 12021.1
11 of this code or Section 8100 or 8103 of the Welfare and
12 Institutions Code from possessing firearms and all of the
13 following conditions are met:

14 (A) If the person taking title or possession is neither a levying
15 officer as defined in Section 481.140, 511.060, or 680.210 of the
16 Code of Civil Procedure, nor a person who is receiving that
17 firearm pursuant to subparagraph (G), (I), or (J) of paragraph (2)
18 of subdivision ~~(tt)~~ (v), the person shall, within 30 days of taking
19 possession, forward by prepaid mail or deliver in person to the
20 Department of Justice, a report of information concerning the
21 individual taking possession of the firearm, how title or
22 possession was obtained and from whom, and a description of the
23 firearm in question. The reports that individuals complete
24 pursuant to this paragraph shall be provided to them by the
25 department.

26 (B) If the person taking title or possession is receiving the
27 firearm pursuant to subparagraph (G) of paragraph (2) of
28 subdivision ~~(tt)~~ (v), the person shall do both of the following:

29 (i) Within 30 days of taking possession, forward by prepaid
30 mail or deliver in person to the department, a report of
31 information concerning the individual taking possession of the
32 firearm, how title or possession was obtained and from whom,
33 and a description of the firearm in question. The reports that
34 individuals complete pursuant to this paragraph shall be provided
35 to them by the department.

36 (ii) Prior to taking title or possession of the firearm, the person
37 shall obtain a handgun safety certificate.

38 (C) Where the person receiving title or possession of the
39 handgun is a person described in subparagraph (I) of paragraph
40 (2) of subdivision ~~(tt)~~ (v), on the date that the person is delivered

1 the firearm, the name and other information concerning the
2 person taking possession of the firearm, how title or possession
3 of the firearm was obtained and from whom, and a description of
4 the firearm by make, model, serial number, and other identifying
5 characteristics, shall be entered into the Automated Firearms
6 System (AFS) via the California Law Enforcement
7 Telecommunications System (CLETS) by the law enforcement or
8 state agency that transferred or delivered the firearm. Those
9 agencies without access to AFS shall arrange with the sheriff of
10 the county in which the agency is located to input this
11 information via this system.

12 (D) Where the person receiving title or possession of the
13 handgun is a person described in subparagraph (J) of paragraph
14 (2) of subdivision ~~(u)~~ (v), on the date that the person is delivered
15 the firearm, the name and other information concerning the
16 person taking possession of the firearm, how title or possession
17 of the firearm was obtained and from whom, and a description of
18 the firearm by make, model, serial number, and other identifying
19 characteristics, shall be entered into the AFS via the CLETS by
20 the law enforcement or state agency that transferred or delivered
21 the firearm. Those agencies without access to AFS shall arrange
22 with the sheriff of the county in which the agency is located to
23 input this information via this system. In addition, that law
24 enforcement agency shall not deliver that handgun to the person
25 referred to in this subparagraph unless, prior to the delivery of
26 the same, the person presents proof to the agency that he or she is
27 the holder of a handgun safety certificate.

28 (3) Subdivision (d) of Section 12072 shall not apply to a
29 person who takes possession of a firearm by operation of law in a
30 representative capacity who subsequently transfers ownership of
31 the firearm to himself or herself in his or her individual capacity.
32 In the case of a handgun, the individual shall obtain a handgun
33 safety certificate prior to transferring ownership to himself or
34 herself, or taking possession of a handgun in an individual
35 capacity.

36 (j) Subdivision (d) of Section 12072 and subdivision (b) of
37 Section 12801 shall not apply to deliveries, transfers, or returns
38 of firearms made pursuant to Section *12021.3*, 12028, 12028.5,
39 or 12030.

(k) ~~Section~~ Sections 12071, 12071.1, 12071.2, 12071.3, 12071.5, subdivision (c) of Section 12072, and subdivision (b) of Section 12801 shall not apply to any of the following:

(1) The delivery, sale, or transfer of unloaded firearms that are not handguns by a dealer to another dealer upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(2) The delivery, sale, or transfer of unloaded firearms by dealers to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) The delivery, sale, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

(4) The delivery, sale, or transfer of unloaded firearms by one dealer to another dealer if the firearms are intended as merchandise in the receiving dealer's business upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(5) The delivery, sale, or transfer of an unloaded firearm that is not a handgun by a dealer to himself or herself.

(6) The loan of an unloaded firearm by a dealer who also operates a target facility that holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or that club or organization, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

(l) A person who is exempt from subdivision (d) of Section 12072 or is otherwise not required by law to report his or her acquisition, ownership, or disposal of a handgun or who moves out of this state with his or her handgun may submit a report of the same to the Department of Justice in a format prescribed by the department.

(m) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the delivery, sale, or transfer of

1 unloaded firearms to a wholesaler as merchandise in the
2 wholesaler's business by manufacturers or importers licensed to
3 engage in that business pursuant to Chapter 44 (commencing
4 with Section 921) of Title 18 of the United States Code and the
5 regulations issued pursuant thereto, or by another wholesaler, if
6 the delivery, sale, or transfer is made in accordance with Chapter
7 44 (commencing with Section 921) of Title 18 of the United
8 States Code.

9 (n) (1) The waiting period described in Section ~~12071~~
10 ~~12071.2~~ or 12072 shall not apply to the delivery, sale, or transfer
11 of a handgun by a dealer in either of the following situations:

12 (A) The dealer is delivering the firearm to another dealer and
13 it is not intended as merchandise in the receiving dealer's
14 business.

15 (B) The dealer is delivering the firearm to himself or herself
16 and it is not intended as merchandise in his or her business.

17 (2) In order for this subdivision to apply, both of the following
18 shall occur:

19 (A) If the dealer is receiving the firearm from another dealer,
20 the dealer receiving the firearm shall present proof to the dealer
21 delivering the firearm that he or she is licensed pursuant to
22 Section 12071 by complying with paragraph (1) of subdivision
23 (f) of Section 12072.

24 (B) Whether the dealer is delivering, selling, or transferring
25 the firearm to himself or herself or to another dealer, on the date
26 that the application to purchase is completed, the dealer
27 delivering the firearm shall forward by prepaid mail to the
28 Department of Justice a report of the same and the type of
29 information concerning the purchaser or transferee as is indicated
30 in subdivision (b) of Section 12077. Where the electronic or
31 telephonic transfer of applicant information is used, on the date
32 that the application to purchase is completed, the dealer
33 delivering the firearm shall transmit an electronic or telephonic
34 report of the same and the type of information concerning the
35 purchaser or transferee as is indicated in subdivision (b) of
36 Section 12077.

37 (o) ~~Section~~ Sections 12071, *12071.1*, *12071.2*, *12071.3*,
38 *12071.5* and subdivisions (c) and (d) of Section 12072 shall not
39 apply to the delivery, sale, or transfer of firearms regulated
40 pursuant to Section 12020, Chapter 2 (commencing with Section

1 12200), or Chapter 2.3 (commencing with Section 12275), if the
2 delivery, sale, or transfer is conducted in accordance with the
3 applicable provisions of Section 12020, Chapter 2 (commencing
4 with Section 12200), or Chapter 2.3 (commencing with Section
5 12275).

6 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
7 Section 12072 shall not apply to the loan of a firearm that is not a
8 handgun to a minor, with the express permission of the parent or
9 legal guardian of the minor, if the loan does not exceed 30 days
10 in duration and is for a lawful purpose.

11 (2) Paragraph (3) of subdivision (a) of Section 12072,
12 subdivision (d) of Section 12072, and subdivision (b) of Section
13 12801 shall not apply to the loan of a handgun to a minor by a
14 person who is not the parent or legal guardian of the minor if all
15 of the following circumstances exist:

16 (A) The minor has the written consent of his or her parent or
17 legal guardian that is presented at the time of, or prior to the time
18 of, the loan, or is accompanied by his or her parent or legal
19 guardian at the time the loan is made.

20 (B) The minor is being loaned the firearm for the purpose of
21 engaging in a lawful, recreational sport, including, but not
22 limited to, competitive shooting, or agricultural, ranching, or
23 hunting activity, or a motion picture, television, or video
24 production, or entertainment or theatrical event, the nature of
25 which involves the use of a firearm.

26 (C) The duration of the loan does not exceed the amount of
27 time that is reasonably necessary to engage in the lawful,
28 recreational sport, including, but not limited to, competitive
29 shooting, or agricultural, ranching, or hunting activity, or a
30 motion picture, television, or video production, or entertainment
31 or theatrical event, the nature of which involves the use of a
32 firearm.

33 (D) The duration of the loan does not, in any event, exceed 10
34 days.

35 (3) Paragraph (3) of subdivision (a), and subdivision (d), of
36 Section 12072, and subdivision (b) of Section 12801 shall not
37 apply to the loan of a handgun to a minor by his or her parent or
38 legal guardian if both of the following circumstances exist:

39 (A) The minor is being loaned the firearm for the purposes of
40 engaging in a lawful, recreational sport, including, but not

1 limited to, competitive shooting, or agricultural, ranching, or
2 hunting activity, or a motion picture, television, or video
3 production, or entertainment or theatrical event, the nature of
4 which involves the use of a firearm.

5 (B) The duration of the loan does not exceed the amount of
6 time that is reasonably necessary to engage in the lawful,
7 recreational sport, including, but not limited to, competitive
8 shooting, or agricultural, ranching, or hunting activity, or a
9 motion picture, television, or video production, or entertainment
10 or theatrical event, the nature of which involves the use of a
11 firearm.

12 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
13 Section 12072 shall not apply to the transfer or loan of a firearm
14 that is not a handgun to a minor by his or her parent or legal
15 guardian.

16 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
17 Section 12072 shall not apply to the transfer or loan of a firearm
18 that is not a handgun to a minor by his or her grandparent who is
19 not the legal guardian of the minor if the transfer is done with the
20 express permission of the parent or legal guardian of the minor.

21 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
22 Section 12072 shall not apply to the sale of a handgun if both of
23 the following requirements are satisfied:

24 (A) The sale is to a person who is at least 18 years of age.

25 (B) The firearm is an antique firearm as defined in paragraph
26 (16) of subsection (a) of Section 921 of Title 18 of the United
27 States Code.

28 (q) Subdivision (d) of Section 12072 shall not apply to the
29 loan of a firearm that is not a handgun to a licensed hunter for
30 use by that licensed hunter for a period of time not to exceed the
31 duration of the hunting season for which that firearm is to be
32 used.

33 (r) The waiting period described in Section ~~12071~~, *12071.2 or*
34 ~~12072, or 12084~~ shall not apply to the delivery, sale, or transfer
35 of a firearm to the holder of a special weapons permit issued by
36 the Department of Justice issued pursuant to Section 12095,
37 12230, 12250, or 12305. On the date that the application to
38 purchase is completed, ~~the dealer delivering the firearm or the~~
39 ~~law enforcement agency processing the transaction pursuant to~~
40 ~~Section 12084, shall forward by prepaid mail to the Department~~

1 of Justice a report of the same as described in subdivision (b) or
2 (c) of Section 12077 or Section 12084. If the electronic or
3 telephonic transfer of applicant information is used, on the date
4 that the application to purchase is completed, the dealer
5 delivering the firearm shall transmit to the Department of Justice
6 an electronic or telephonic report of the same as is indicated in
7 subdivision (b) or (c) of Section 12077.

8 (s) (1) Subdivision (d) of Section 12072 and subdivision (b)
9 of Section 12801 shall not apply to the infrequent loan of an
10 unloaded firearm by a person who is neither a dealer as defined
11 in Section 12071 nor a federal firearms licensee pursuant to
12 Chapter 44 of Title 18 of the United States Code, to a person 18
13 years of age or older for use solely as a prop in a motion picture,
14 television, video, theatrical, or other entertainment production or
15 event.

16 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
17 Section 12072, and subdivision (b) of Section 12801 shall not
18 apply to the loan of an unloaded firearm by a person who is not a
19 dealer as defined in Section 12071 but who is a federal firearms
20 licensee pursuant to Chapter 44 of Title 18 of the United States
21 Code, to a person who possesses a valid entertainment firearms
22 permit issued pursuant to Section 12081, for use solely as a prop
23 in a motion picture, television, video, theatrical, or other
24 entertainment production or event. The person loaning the
25 firearm pursuant to this paragraph shall retain a photocopy of the
26 entertainment firearms permit as proof of compliance with this
27 requirement.

28 (3) ~~Subdivision (b) of Section~~ *Sections 12071, 12071.1,*
29 *12071.2, 12071.3, 12071.5,* subdivision (c) of, and paragraph (1)
30 of subdivision (f) of, Section 12072, and subdivision (b) of
31 Section 12801 shall not apply to the loan of an unloaded firearm
32 by a dealer as defined in Section 12071, to a person who
33 possesses a valid entertainment firearms permit issued pursuant
34 to Section 12081, for use solely as a prop in a motion picture,
35 television, video, theatrical, or other entertainment production or
36 event. The dealer shall retain a photocopy of the entertainment
37 firearms permit as proof of compliance with this requirement.

38 (t) (1) The waiting period described in ~~Sections 12071,~~
39 *Section 12071.2 or 12072,* and ~~12084~~ shall not apply to the sale,
40 delivery, loan, or transfer of a firearm that is a curio or relic, as

defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor, by a dealer ~~or through a law enforcement agency~~ to a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071. On the date that the delivery, sale, or transfer is made, the dealer delivering the firearm ~~or the law enforcement agency processing the transaction pursuant to Section 12084, shall forward by prepaid mail to the Department of Justice a report of the transaction pursuant to subdivision (b) of Section 12077 or Section 12084. If the electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12077.~~

(2) Subdivision (d) of Section 12072 shall not apply to the infrequent sale, loan, or transfer of a firearm that is not a handgun, which is a curio or relic manufactured at least 50 years prior to the current date, but not including replicas thereof, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor.

(u) *(1) Subdivision (b) of Section 12801 and subdivision (d) of Section 12072 shall not apply to the delivery or transfer of a firearm by a security company to an authorized representative of a branch of that company located within this state that is authorized to employ persons described in subdivision (d) of Section 12031 in a capacity to allow those persons to carry firearms. The entity receiving the firearm shall, within five days, forward by prepaid mail or deliver in person to the department, a report of information concerning the individual taking possession of each firearm, how title or possession was obtained, and when, and a description of each firearm. The reports that individuals complete pursuant to this paragraph shall be in a format prescribed by the department.*

(2) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the loan of a firearm by a security company, or to an authorized representative of a branch

1 of that company located within this state, to an authorized
2 employee thereof who is authorized to carry a firearm in
3 accordance with subdivision (d) of Section 12031 in the course
4 and scope of employment, if the firearm is loaned to the
5 authorized employee to carry in the course and scope of
6 employment.

7 (3) On the date the application to purchase is completed, the
8 dealer delivering the firearm shall transmit an electronic or
9 telephonic report of the same and the type of information
10 concerning the purchaser or transferee as is indicated in
11 subdivision (b) of Section 12077.

12 (v) As used in this section:

13 (1) "Infrequent" has the same meaning as in paragraph (1) of
14 subdivision (c) of Section 12070.

15 (2) "A person taking title or possession of firearms by
16 operation of law" includes, but is not limited to, any of the
17 following instances wherein an individual receives title to, or
18 possession of, firearms:

19 (A) The executor or administrator of an estate if the estate
20 includes firearms.

21 (B) A secured creditor or an agent or employee thereof when
22 the firearms are possessed as collateral for, or as a result of, a
23 default under a security agreement under the Commercial Code.

24 (C) A levying officer, as defined in Section 481.140, 511.060,
25 or 680.260 of the Code of Civil Procedure.

26 (D) A receiver performing his or her functions as a receiver if
27 the receivership estate includes firearms.

28 (E) A trustee in bankruptcy performing his or her duties if the
29 bankruptcy estate includes firearms.

30 (F) An assignee for the benefit of creditors performing his or
31 her functions as an assignee, if the assignment includes firearms.

32 (G) A transmutation of property consisting of firearms
33 pursuant to Section 850 of the Family Code.

34 (H) Firearms passing to a surviving spouse pursuant to
35 Chapter 1 (commencing with Section 13500) of Part 2 of
36 Division 8 of the Probate Code.

37 (I) Firearms received by the family of a police officer or
38 deputy sheriff from a local agency pursuant to Section 50081 of
39 the Government Code.

1 (J) The transfer of a firearm by a law enforcement agency to
2 the person who found the firearm where the delivery is to the
3 person as the finder of the firearm pursuant to Article 1
4 (commencing with Section 2080) of Chapter 4 of Division 3 of
5 the Civil Code.

6 SEC. 29. Section 12082 of the Penal Code is amended to
7 read:

8 12082. (a) A person shall complete any sale, loan, or transfer
9 of a firearm through a person licensed pursuant to Section 12071
10 in accordance with this section in order to comply with
11 subdivision (d) of Section 12072. The seller or transferor or the
12 person loaning the firearm shall deliver the firearm to the dealer
13 who shall retain possession of that firearm. The dealer shall then
14 deliver the firearm to the purchaser or transferee or the person
15 being loaned the firearm, if it is not prohibited, in accordance
16 with subdivision (c) of Section 12072. If the dealer cannot legally
17 deliver the firearm to the purchaser or transferee or the person
18 being loaned the firearm, the dealer shall forthwith, without
19 waiting for the conclusion of the waiting period described in
20 Sections ~~12071~~ 12071.2 and 12072, return the firearm to the
21 transferor or seller or the person loaning the firearm. The dealer
22 shall not return the firearm to the seller or transferor or the
23 person loaning the firearm when to do so would constitute a
24 violation of subdivision (a) of Section 12072. If the dealer cannot
25 legally return the firearm to the transferor or seller or the person
26 loaning the firearm, then the dealer shall forthwith deliver the
27 firearm to the sheriff of the county or the chief of police or other
28 head of a municipal police department of any city or city and
29 county who shall then dispose of the firearm in the manner
30 provided by Sections 12028 and 12032. The purchaser or
31 transferee or person being loaned the firearm may be required by
32 the dealer to pay a fee not to exceed ten dollars (\$10) per firearm,
33 and no other fee may be charged by the dealer for a sale, loan, or
34 transfer of a firearm conducted pursuant to this section, except
35 for the applicable fee that the Department of Justice may charge
36 pursuant to Section 12076. Nothing in these provisions shall
37 prevent a dealer from charging a smaller fee. The fee that the
38 department may charge is the fee that would be applicable
39 pursuant to Section 12076, if the dealer was selling, transferring,
40 or delivering a firearm to a purchaser or transferee or person

1 being loaned a firearm, without any other parties being involved
2 in the transaction.

3 (b) The Attorney General shall adopt regulations under this
4 section to do all of the following:

5 (1) Allow the seller or transferor of the person loaning the
6 firearm, and the purchaser or transferee or the person being
7 loaned the firearm, to complete a sale, loan, or transfer through a
8 dealer, and to allow those persons and the dealer to comply with
9 the requirements of this section and Sections 12071, *12071.1*,
10 *12071.2*, *12071.3*, *12071.5*, 12072, 12076, and 12077 and to
11 preserve the confidentiality of those records.

12 (2) Where a personal handgun importer is selling or
13 transferring a pistol, revolver, or other firearm capable of being
14 concealed upon the person to comply with clause (ii) of
15 subparagraph (A) of paragraph (2) of subdivision (f) of Section
16 12072, to allow a personal handgun importer's ownership of the
17 pistol, revolver, or other firearm capable of being concealed upon
18 the person being sold or transferred to be recorded in a manner
19 that if the firearm is returned to that personal handgun importer
20 because the sale or transfer cannot be completed, the Department
21 of Justice will have sufficient information about that personal
22 handgun importer so that a record of his or her ownership can be
23 maintained in the registry provided by subdivision (c) of Section
24 11106.

25 (3) Ensure that the register or record of electronic transfer
26 shall state the name and address of the seller or transferor of the
27 firearm or the person loaning the firearm and whether or not the
28 person is a personal handgun importer in addition to any other
29 information required by Section 12077.

30 (c) Notwithstanding any other provision of law, a dealer who
31 does not sell, transfer, or keep an inventory of handguns is not
32 required to process private party transfers of handguns.

33 (d) A violation of this section by a dealer is a misdemeanor.

34 SEC. 30. Section 12084 of the Penal Code is repealed.

35 ~~12084. (a) As used in this section, the following definitions~~
36 ~~apply:~~

37 ~~(1) "Agency" means a sheriff's department in a county of less~~
38 ~~than 200,000 persons, according to the most recent federal~~
39 ~~decennial census, that elects to process purchases, sales, loans, or~~
40 ~~transfers of firearms.~~

1 ~~(2) “Seller” means the seller or transferor of a firearm or the~~
2 ~~person loaning the firearm.~~

3 ~~(3) “Purchaser” means the purchaser or transferee of a firearm~~
4 ~~or the person being loaned a firearm.~~

5 ~~(4) “Purchase” means the purchase, loan, sale, or transfer of a~~
6 ~~firearm.~~

7 ~~(5) “Department” means the Department of Justice.~~

8 ~~(6) “LEFT” means the Law Enforcement Firearms Transfer~~
9 ~~Form consisting of the transfer form utilized to purchase a~~
10 ~~firearm in accordance with this section.~~

11 ~~(b) As an alternative to completing the sale, transfer, or loan of~~
12 ~~a firearm through a licensed dealer pursuant to Section 12082,~~
13 ~~the parties to the purchase of a firearm may complete the~~
14 ~~transaction through an agency in accordance with this section in~~
15 ~~order to comply with subdivision (d) of Section 12072.~~

16 ~~(e) (1) LEFTs shall be prepared by the State Printer and shall~~
17 ~~be furnished to agencies on application at a cost to be determined~~
18 ~~by the Department of General Services for each 100 leaves in~~
19 ~~quintuplicate, one original and four duplicates for the making of~~
20 ~~carbon copies. The original and duplicate copies shall differ in~~
21 ~~color, and shall be in the form provided by this section. The State~~
22 ~~Printer, upon issuing the LEFT, shall forward to the department~~
23 ~~the name and address of the agency together with the series and~~
24 ~~sheet numbers on the LEFT. The LEFT shall not be transferable.~~

25 ~~(2) The department shall prescribe the form of the LEFT. It~~
26 ~~shall be in the same exact format set forth in Sections 12077 and~~
27 ~~12082, with the same distinct formats for firearms that are~~
28 ~~pistols, revolvers, and other firearms capable of being concealed~~
29 ~~upon the person and for firearms that are not pistols, revolvers,~~
30 ~~and other firearms capable of being concealed upon the person,~~
31 ~~except that, instead of the listing of information concerning a~~
32 ~~dealer, the LEFT shall contain the name, telephone number, and~~
33 ~~address of the law enforcement agency.~~

34 ~~(3) The original of each LEFT shall be retained in consecutive~~
35 ~~order. Each book of 50 originals shall become the permanent~~
36 ~~record of transactions that shall be retained not less than three~~
37 ~~years from the date of the last transaction and shall be provided~~
38 ~~for the inspection of any peace officer, department employee~~
39 ~~designated by the Attorney General, or agent of the federal~~

1 Bureau of Alcohol, Tobacco and Firearms upon the presentation
2 of proper identification.

3 ~~(4) Ink shall be used to complete each LEFT. The agency shall~~
4 ~~ensure that all information is provided legibly. The purchaser and~~
5 ~~seller shall be informed that incomplete or illegible information~~
6 ~~delays purchases.~~

7 ~~(5) Each original LEFT shall contain instructions regarding the~~
8 ~~procedure for completion of the form and the routing of the form.~~
9 ~~The agency shall comply with these instructions which shall~~
10 ~~include the information set forth in this subdivision.~~

11 ~~(6) One firearm transaction shall be reported on each LEFT.~~
12 ~~For purposes of this paragraph, a "transaction" means a single~~
13 ~~sale, loan, or transfer of any number of firearms that are not~~
14 ~~pistols, revolvers, or other firearms capable of being concealed~~
15 ~~upon the person between the same two persons.~~

16 ~~(d) The following procedures shall be followed in processing~~
17 ~~the purchase:~~

18 ~~(1) Without waiting for the conclusion of any waiting period~~
19 ~~to elapse, the seller shall immediately deliver the firearm to the~~
20 ~~agency solely to complete the LEFT. Upon completion of the~~
21 ~~LEFT, the firearm shall be immediately returned by the agency to~~
22 ~~the seller without waiting for the waiting period to elapse.~~

23 ~~(2) The purchaser shall be required to present clear evidence~~
24 ~~of his or her identity and age, as defined in Section 12071, to the~~
25 ~~agency. The agency shall require the purchaser to complete the~~
26 ~~original and one copy of the LEFT. An employee of the agency~~
27 ~~shall then affix his or her signature as a witness to the signature~~
28 ~~and identification of the purchaser.~~

29 ~~(3) Two copies of the LEFT shall, on that date of purchase, be~~
30 ~~placed in the mail, postage prepaid to the department at~~
31 ~~Sacramento. The third copy shall be provided to the purchaser~~
32 ~~and the fourth copy to the seller.~~

33 ~~(4) The department shall examine its records, as well as those~~
34 ~~records that it is authorized to request from the State Department~~
35 ~~of Mental Health pursuant to Section 8104 of the Welfare and~~
36 ~~Institutions Code, in order to determine if the purchaser is a~~
37 ~~person described in Section 12021 or 12021.1 of this code or~~
38 ~~Section 8100 or 8103 of the Welfare and Institutions Code.~~

39 ~~(5) If the department determines that the copies of the LEFT~~
40 ~~submitted to it pursuant to paragraph (3) contain any blank~~

1 ~~spaces or inaccurate, illegible, or incomplete information;~~
2 ~~preventing identification of the purchaser or the firearm to be~~
3 ~~purchased, or if any fee required pursuant to paragraph (6) is not~~
4 ~~submitted by the agency in conjunction with submission of the~~
5 ~~copies of the LEFT, or if the department determines that the~~
6 ~~person is a person described in Section 12021 or 12021.1 of this~~
7 ~~code or Section 8100 or 8103 of the Welfare and Institutions~~
8 ~~Code, it shall immediately notify the agency of that fact. Upon~~
9 ~~notification by the department, the purchaser shall submit any fee~~
10 ~~required pursuant to paragraph (6), as appropriate, and, if~~
11 ~~notification by the department is received by the agency at any~~
12 ~~time prior to delivery of the firearm, the delivery of the firearm~~
13 ~~shall be withheld until the conclusion of the waiting period~~
14 ~~described in paragraph (7):~~

15 ~~(6) (A) The agency may charge a fee, not to exceed actual~~
16 ~~cost, sufficient to reimburse the agency for processing the~~
17 ~~transfer.~~

18 ~~(B) The department may charge a fee, not to exceed actual~~
19 ~~cost, sufficient to reimburse the department for providing the~~
20 ~~information. The department shall charge the same fee that it~~
21 ~~would charge a dealer pursuant to Section 12082.~~

22 ~~(7) The firearm shall not be delivered to the purchaser as~~
23 ~~follows:~~

24 ~~(A) Prior to April 1, 1997, within 15 days of the application to~~
25 ~~purchase a pistol, revolver, or other firearm capable of being~~
26 ~~concealed upon the person, or, after notice by the department~~
27 ~~pursuant to paragraph (5), within 15 days of the submission to~~
28 ~~the department of any fees required pursuant to this subdivision,~~
29 ~~or within 15 days of the submission to the department of any~~
30 ~~correction to the LEFT, whichever is later. Prior to April 1, 1997,~~
31 ~~within 10 days of the application to purchase any firearm that is~~
32 ~~not a pistol, revolver, or other firearm capable of being concealed~~
33 ~~upon the person, or, after notice by the department pursuant to~~
34 ~~paragraph (5), within 10 days of the submission to the~~
35 ~~department of any fees required pursuant to this subdivision, or~~
36 ~~within 10 days of the submission to the department of any~~
37 ~~correction to the LEFT, whichever is later. On and after April 1,~~
38 ~~1997, within 10 days of the application to purchase, or after~~
39 ~~notice by the department pursuant to paragraph (5), within 10~~
40 ~~days of the submission to the department of any fees required~~

1 pursuant to this subdivision, or within 10 days of the submission
2 to the department of any correction to the LEFT, whichever is
3 later.

4 (B) Unless unloaded.

5 (C) In the case of a pistol, revolver, or other firearm capable of
6 being concealed upon the person, unless securely wrapped or in a
7 locked container.

8 (D) Unless the purchaser presents clear evidence of his or her
9 identity and age to the agency.

10 (E) Whenever the agency is notified by the department that the
11 person is in a prohibited class described in Section 12021 or
12 12021.1, or Section 8100 or 8103 of the Welfare and Institutions
13 Code.

14 (F) Unless done at the agency's premises.

15 (G) In the case of a handgun, commencing April 1, 1994, and
16 until January 1, 2003, unless the purchaser presents to the seller a
17 basic firearms safety certificate. Commencing January 1, 2003, in
18 the case of a handgun, unless the purchaser presents to the seller
19 a handgun safety certificate.

20 (H) Unless the purchaser is at least 18 years of age.

21 (e) The action of a law enforcement agency acting pursuant to
22 Section 12084 shall be deemed to be a discretionary act within
23 the meaning of the California Tort Claims Act pursuant to
24 Division 3.6 (commencing with Section 810) of Title 1 of the
25 Government Code.

26 (f) Whenever the Department of Justice acts pursuant to this
27 section as it pertains to firearms other than pistols, revolvers, or
28 other firearms capable of being concealed upon the person, its
29 acts or omissions shall be deemed to be discretionary within the
30 meaning of the California Tort Claims Act pursuant to Division
31 3.6 (commencing with Section 810) of Title 1 of the Government
32 Code.

33 (g) Any person furnishing a fictitious name or address or
34 knowingly furnishing any incorrect information or knowingly
35 omitting any information required to be provided for the LEFT is
36 guilty of a misdemeanor.

37 (h) All sums received by the department pursuant to this
38 section shall be deposited in the Dealers' Record of Sale Special
39 Account of the General Fund.

SEC. 31. Section 12086 of the Penal Code is amended to read:

12086. (a) (1) As used in this section, “licensee” means a person, firm, or corporation that satisfies both of the following:

(A) Has a license issued pursuant to paragraph (2) of subdivision (b).

(B) Is among those recorded in the centralized list specified in subdivision (f).

(2) As used in this section, “department” means the Department of Justice.

(b) (1) The Department of Justice shall accept applications for, and shall grant licenses permitting, the manufacture of firearms within this state. The department shall inform applicants who are denied licenses of the reasons for the denial in writing.

(2) No license shall be granted by the department unless and until the applicant presents proof that he or she has all of the following:

(A) A valid license to manufacture firearms issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(B) Any regulatory or business license, or licenses, required by local government.

(C) A valid seller’s permit or resale certificate issued by the State Board of Equalization, if applicable.

(D) A certificate of eligibility issued by the Department of Justice pursuant to ~~paragraph (4) of subdivision (a) of Section 12071.~~

(3) The department shall adopt regulations to administer this section and Section 12085 and shall recover the full costs of administering the program by collecting fees from license applicants. Recoverable costs shall include, but not be limited to, the costs of inspections and maintaining a centralized list of licensed firearm manufacturers. The fee for licensed manufacturers who produce fewer than 500 firearms in a calendar year within this state shall not exceed two hundred fifty dollars (\$250) per year or the actual costs of inspections and maintaining a centralized list of firearm manufacturers and any other duties of the department required pursuant to this section and Section 12085, whichever is less.

(4) A license granted by the department shall be valid for no more than one year from the date of issuance and shall be in the form prescribed by the Attorney General.

(c) A licensee shall comply with the following prohibitions and requirements:

(1) The business shall be conducted only in the buildings designated in the license.

(2) The license or a copy thereof, certified by the department, shall be displayed on the premises where it can easily be seen.

(3) Whenever a licensee discovers that a firearm has been stolen or is missing from the licensee's premises, the licensee shall report the loss or theft within 48 hours of the discovery to all of the following:

(A) The Department of Justice, in a manner prescribed by the department.

(B) The federal Bureau of Alcohol, Tobacco, and Firearms.

(C) The police department in the city or city and county where the building designated in the license is located.

(D) If there is no police department in the city or city and county where the building designated in the license is located, the sheriff of the county where the building designated in the license is located.

(4) (A) The licensee shall require that each employee obtain a certificate of eligibility pursuant to ~~paragraph (4) of subdivision (a) of~~ Section 12071, which shall be renewed annually, prior to being allowed to come into contact with any firearm.

(B) The licensee shall prohibit any employee who the licensee knows or reasonably should know is within a class of persons prohibited from possessing firearms pursuant to Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code, from coming into contact with any firearm.

(5) (A) Each firearm the licensee manufactures in this state shall be identified with a unique serial number stamped onto the firearm utilizing the method of compression stamping.

(B) Licensed manufacturers who produce fewer than 500 firearms in a calendar year within this state may serialize long guns only by utilizing a method of compression stamping or by engraving the serial number onto the firearm.

1 (C) The licensee shall stamp the serial number onto the
2 firearm within one business day of the time the receiver or frame
3 is manufactured.

4 (D) The licensee shall not use the same serial number for more
5 than one firearm.

6 (6) (A) The licensee shall record the type, model, caliber, or
7 gauge, and serial number of each firearm manufactured or
8 acquired, and the date of the manufacture or acquisition, within
9 one business day of the manufacture or acquisition.

10 (B) The licensee shall maintain permanently within the
11 building designated in the license the records required pursuant
12 to subparagraph (A).

13 (C) Backup copies of the records described in subparagraph
14 (A), whether electronic or hard copy, shall be made at least once
15 a month. These backup records shall be maintained in a facility
16 separate from the one in which the primary records are stored.

17 (7) (A) The licensee shall allow the department to inspect the
18 building designated in the license to ensure compliance with the
19 requirements of this section.

20 (B) The licensee shall allow any peace officer, authorized law
21 enforcement employee, or Department of Justice employee
22 designated by the Attorney General, upon the presentation of
23 proper identification, to inspect facilities and records during
24 business hours to ensure compliance with the requirements of
25 this section.

26 (8) The licensee shall store in a secure facility all firearms
27 manufactured and all barrels for firearms manufactured.

28 (9) (A) The licensee shall notify the chief of police or other
29 head of the municipal police department in the city or city and
30 county where the building designated in the license is located
31 that the licensee is manufacturing firearms within that city or city
32 and county and the location of the licensed premises.

33 (B) If there is no police department in the city or city and
34 county where the building designated in the license is located, the
35 licensee shall notify the sheriff of the county where the building
36 designated in the license is located that the licensee is
37 manufacturing firearms within that county and the location of the
38 licensed premises.

1 (10) For at least 10 years, the licensee shall maintain records
2 of all firearms that are lost or stolen, as prescribed by the
3 department.

4 (d) Except as otherwise provided in subdivision (e), as used in
5 this section, a “secure facility” means that the facility satisfies all
6 of the following:

7 (1) The facility is equipped with a burglar alarm with central
8 monitoring.

9 (2) All perimeter entries to areas in which firearms are stored
10 other than doors, including windows and skylights, are secured
11 with steel window guards or an audible, silent, or sonic alarm to
12 detect entry.

13 (3) All perimeter doorways are designed in one of the
14 following ways:

15 (A) A windowless steel security door equipped with both a
16 deadbolt and a doorknob lock.

17 (B) A windowed metal door equipped with both a deadbolt
18 and a doorknob lock. If the window has an opening of five inches
19 or more measured in any direction, the window is covered with
20 steel bars of at least one-half inch diameter or metal grating of at
21 least nine gauge affixed to the exterior or interior of the door.

22 (C) A metal grate that is padlocked and affixed to the
23 licensee’s premises independent of the door and doorframe.

24 (D) Hinges and hasps attached to doors by welding, riveting,
25 or bolting with nuts on the inside of the door.

26 (E) Hinges and hasps installed so that they cannot be removed
27 when the doors are closed and locked.

28 (4) Heating, ventilating, air-conditioning, and service openings
29 are secured with steel bars, metal grating, or an alarm system.

30 (5) No perimeter metal grates are capable of being entered by
31 any person.

32 (6) Steel bars used to satisfy the requirements of this
33 subdivision are not capable of being entered by any person.

34 (7) Perimeter walls of rooms in which firearms are stored are
35 constructed of concrete or at least 10-gauge expanded steel wire
36 mesh utilized along with typical wood frame and drywall
37 construction. If firearms are not stored in a vault, the facility shall
38 use an exterior security-type door along with a high security,
39 single-key deadbolt, or other door that is more secure. All
40 firearms shall be stored in a separate room away from any

1 general living area or work area. Any door to the storage facility
2 shall be locked while unattended.

3 (8) Perimeter doorways, including the loading dock area, are
4 locked at all times when not attended by paid employees or
5 contracted employees, including security guards.

6 (9) Except when a firearm is currently being tested, any
7 ammunition on the premises is removed from all manufactured
8 guns and stored in a separate and locked room, cabinet, or box
9 away from the storage area for the firearms. Ammunition may be
10 stored with a weapon only in a locked safe.

11 (e) For purposes of this section, any licensed manufacturer
12 who produces fewer than 500 firearms in a calendar year within
13 this state may maintain a “secure facility” by complying with all
14 of the requirements described in subdivision (d), or may design a
15 security plan that is approved by the Department of Justice or the
16 federal Bureau of Alcohol, Tobacco, and Firearms.

17 (1) If a security plan is approved by the federal Bureau of
18 Alcohol, Tobacco, and Firearms, the approved plan, along with
19 proof of approval, shall be filed with the Department of Justice
20 and the local police department. If there is no police department,
21 the filing shall be with the county sheriff’s office.

22 (2) If a security plan is approved by the Department of Justice,
23 the approved plan, along with proof of approval, shall be filed
24 with the local police department. If there is no police department,
25 the filing shall be with the county sheriff’s office.

26 (f) (1) Except as otherwise provided in this subdivision, the
27 Department of Justice shall maintain a centralized list of all
28 persons licensed pursuant to paragraph (2) of subdivision (b).
29 The centralized list shall be provided annually to each police
30 department and county sheriff within the state.

31 (2) Except as provided in paragraph (3), the license of any
32 licensee who violates this section may be revoked.

33 (3) The license of any licensee who knowingly or with gross
34 negligence violates this section or violates this section three
35 times shall be revoked, and that person, firm, or corporation shall
36 become permanently ineligible to obtain a license pursuant to this
37 section.

38 (g) (1) Upon the revocation of the license, notification shall
39 be provided to local law enforcement authorities in the

1 jurisdiction where the licensee's business is located and to the
2 federal Bureau of Alcohol, Tobacco, and Firearms.

3 (2) The department shall make information concerning the
4 location and name of a licensee available, upon request, for the
5 following purposes only:

6 (A) Law enforcement.

7 (B) When the information is requested by a person licensed
8 pursuant to Chapter 44 (commencing with Section 921) of Title
9 18 of the United States Code for determining the validity of the
10 license for firearm shipments.

11 (3) Notwithstanding paragraph (2), the department shall make
12 the name and business address of a licensee available to any
13 person upon written request.

14 (h) The Department of Justice shall maintain and make
15 available upon request information concerning the number of
16 inspections conducted and the amount of fees collected pursuant
17 to paragraph (3) of subdivision (b), the number of licensees
18 removed from the centralized list described in subdivision (f),
19 and the number of licensees found to have violated this section.

20 SEC. 32. Section 12131 of the Penal Code, as amended by
21 Section 4 of Chapter 912 of the Statutes of 2002, is amended to
22 read:

23 12131. (a) On and after January 1, 2001, the Department of
24 Justice shall compile, publish, and thereafter maintain a roster
25 listing all of the pistols, revolvers, and other firearms capable of
26 being concealed upon the person that have been tested by a
27 certified testing laboratory, have been determined not to be
28 unsafe handguns, and may be sold in this state pursuant to this
29 title. The roster shall list, for each firearm, the manufacturer,
30 model number, and model name.

31 (b) (1) The department may charge every person in this state
32 who is licensed as a manufacturer of firearms pursuant to
33 Chapter 44 (commencing with Section 921) of Title 18 of the
34 United States Code, and any person in this state who
35 manufactures or causes to be manufactured, imports into the state
36 for sale, keeps for sale, or offers or exposes for sale any pistol,
37 revolver, or other firearm capable of being concealed upon the
38 person in this state, an annual fee not exceeding the costs of
39 preparing, publishing, and maintaining the roster pursuant to
40 subdivision (a) and the costs of research and development, report

1 analysis, firearms storage, and other program infrastructure costs
2 necessary to implement this chapter.

3 (2) Any pistol, revolver, or other firearm capable of being
4 concealed upon the person that is manufactured by a
5 manufacturer who manufactures or causes to be manufactured,
6 imports into the state for sale, keeps for sale, or offers or exposes
7 for sale any pistol, revolver, or other firearm capable of being
8 concealed upon the person in this state, and who fails to pay any
9 fee required pursuant to paragraph (1), may be excluded from the
10 roster.

11 (c) The Attorney General may annually retest up to 5 percent
12 of the handgun models that are listed on the roster described in
13 subdivision (a).

14 (d) The retesting of a handgun model pursuant to subdivision
15 (c) shall conform to the following:

16 (1) The Attorney General shall obtain from retail or wholesale
17 sources, or both, three samples of the handgun model to be
18 retested.

19 (2) The Attorney General shall select the certified laboratory
20 to be used for the retesting.

21 (3) The ammunition used for the retesting shall be of a type
22 recommended by the manufacturer in the user manual for the
23 handgun. If the user manual for the handgun model makes no
24 ammunition recommendation, the Attorney General shall select
25 the ammunition to be used for the retesting. The ammunition
26 shall be of the proper caliber for the handgun, commercially
27 available, and in new condition.

28 (e) The retest shall be conducted in the same manner as the
29 testing prescribed in Sections 12127 and 12128.

30 (f) If the handgun model fails retesting, the Attorney General
31 shall remove the handgun model from the roster maintained
32 pursuant to subdivision (a).

33 (g) A handgun model removed from the roster pursuant to
34 subdivision (f) may be reinstated on the roster if all of the
35 following are met:

36 (1) The manufacturer petitions the Attorney General for
37 reinstatement of the handgun model.

38 (2) The manufacturer pays the Department of Justice for all of
39 the costs related to the reinstatement testing of the handgun

1 model, including the purchase price of the handguns, prior to
2 reinstatement testing.

3 (3) The reinstatement testing of the handguns shall be in
4 accordance with subdivisions (d) and (e).

5 (4) The three handgun samples shall be tested only once for
6 reinstatement. If the sample fails it may not be retested.

7 (5) *The handgun has never failed reinstatement testing.*

8 (6) *The testing laboratory and firearm manufacturer shall*
9 *provide the Attorney General with the complete testing history of*
10 *the handgun model.*

11 (h) If the handgun model successfully passes testing for
12 reinstatement, and if the manufacturer of the handgun is
13 otherwise in compliance with this chapter, the Attorney General
14 shall reinstate the handgun model on the roster maintained
15 pursuant to subdivision (a).

16 ~~(6) The manufacturer shall provide the Attorney General with~~
17 ~~the complete testing history for the handgun model.~~

18 ~~(7)–~~

19 (i) Notwithstanding subdivision (c), the Attorney General
20 may, at any time, further retest any handgun model that has been
21 reinstated to the roster.

22 SEC. 33. Section 12132 of the Penal Code is amended to
23 read:

24 12132. This chapter shall not apply to any of the following:

25 (a) The sale, loan, or transfer of any firearm pursuant to
26 Section 12082 ~~or 12084~~ in order to comply with subdivision (d)
27 of Section 12072.

28 (b) The sale, loan, or transfer of any firearm that is exempt
29 from the provisions of subdivision (d) of Section 12072 pursuant
30 to any applicable exemption contained in Section 12078, if the
31 sale, loan, or transfer complies with the requirements of that
32 applicable exemption to subdivision (d) of Section 12072.

33 (c) The sale, loan, or transfer of any firearm as described in
34 paragraph (3) of subdivision (b) of Section 12125.

35 (d) The delivery of a pistol, revolver, or other firearm capable
36 of being concealed upon the person to a person licensed pursuant
37 to Section 12071 for the purposes of the service or repair of that
38 firearm.

39 (e) The return of a pistol, revolver, or other firearm capable of
40 being concealed upon the person by a person licensed pursuant to

Section 12071 to its owner where that firearm was initially delivered in the circumstance set forth in subdivision (d).

(f) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered to that licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in Section 178.11 of the Code of Federal Regulations.

(h) (1) The Legislature finds a significant public purpose in exempting pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that are used for Olympic target shooting purposes at the time that the act adding this subdivision is enacted, and that fall within the definition of “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of Section 12126 shall be exempt, as provided in paragraphs (2) and (3).

(2) This chapter shall not apply to any of the following pistols, because they are consistent with the significant public purpose expressed in paragraph (1):

MANUFACTURER	MODEL	CALIBER
ANSCHUTZ	FP	.22LR
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
DRULOV	FP	.22LR
GREEN	ELECTROARM	.22LR
HAMMERLI	100	.22LR
HAMMERLI	101	.22LR
HAMMERLI	102	.22LR
HAMMERLI	162	.22LR
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG

1	HAMMERLI	FP10	.22LR
2	HAMMERLI	MP33	.22LR
3	HAMMERLI	SP20	.22LR
4	HAMMERLI	SP20	.32 S&W LONG
5	MORINI	CM102E	.22LR
6	MORINI	22M	.22LR
7	MORINI	32M	.32 S&W LONG
8	MORINI	CM80	.22LR
9	PARDINI	GP	.22 SHORT
10	PARDINI	GPO	.22 SHORT
11	PARDINI	GP-SCHUMANN	.22 SHORT
12	PARDINI	HP	.32 S&W LONG
13	PARDINI	K22	.22LR
14	PARDINI	MP	.32 S&W LONG
15	PARDINI	PGP75	.22LR
16	PARDINI	SP	.22LR
17	PARDINI	SPE	.22LR
18	SAKO	FINMASTER	.22LR
19	STEYR	FP	.22LR
20	VOSTOK	IZH NO. 1	.22LR
21	VOSTOK	MU55	.22LR
22	VOSTOK	TOZ35	.22LR
23	WALTHER	FP	.22LR
24	WALTHER	GSP	.22LR
25	WALTHER	GSP	.32 S&W LONG
26	WALTHER	OSP	.22 SHORT
27	WALTHER	OSP-2000	.22 SHORT

28

29 (3) The department shall create a program that is consistent
30 with the purpose stated in paragraph (1) to exempt new models of
31 competitive firearms from this chapter. The exempt competitive
32 firearms may be based on recommendations by USA Shooting
33 consistent with the regulations contained in the USA Shooting
34 Official Rules or may be based on the recommendation or rules
35 of any other organization that the department deems relevant.

36 (i) The sale, loan, or transfer of any semiautomatic pistol that
37 is to be used solely as a prop during the course of a motion
38 picture, television, or video production by an authorized
39 participant therein in the course of making that production or

1 event or by an authorized employee or agent of the entity
2 producing that production or event.

3 SEC. 34. Section 12305 of the Penal Code is amended to
4 read:

5 12305. (a) Every dealer, manufacturer, importer, and exporter
6 of any destructive device, or any motion picture or television
7 studio using destructive devices in the conduct of its business,
8 shall obtain a permit for the conduct of that business from the
9 Department of Justice.

10 (b) Any person, firm, or corporation not mentioned in
11 subdivision (a) shall obtain a permit from the Department of
12 Justice in order to possess or transport any destructive device. No
13 permit shall be issued to any person who meets any of the
14 following criteria:

15 (1) Has been convicted of any felony.

16 (2) Is addicted to the use of any narcotic drug.

17 (3) Is a person in a class prohibited by Section 8100 or 8103 of
18 the Welfare and Institutions Code or Section 12021 or 12021.1 of
19 this code.

20 (c) Applications for permits shall be filed in writing, signed by
21 the applicant if an individual, or by a member or officer qualified
22 to sign if the applicant is a firm or corporation, and shall state the
23 name, business in which engaged, business address and a full
24 description of the use to which the destructive devices are to be
25 put.

26 (d) Applications and permits shall be uniform throughout the
27 state on forms prescribed by the Department of Justice.

28 (e) Each applicant for a permit shall pay at the time of filing
29 his or her application a fee not to exceed the application
30 processing costs of the Department of Justice. A permit granted
31 pursuant to this article may be renewed one year from the date of
32 issuance, and annually thereafter, upon the filing of a renewal
33 application and the payment of a permit renewal fee not to
34 exceed the application processing costs of the Department of
35 Justice. After the department establishes fees sufficient in amount
36 to cover processing costs, the amount of the fees shall only
37 increase at a rate not to exceed the legislatively approved
38 cost-of-living adjustment for the department.

39 (f) Except as provided in subdivision (g), the Department of
40 Justice shall, for every person, firm, or corporation to whom a

1 permit is issued pursuant to this article, annually conduct an
2 inspection for security and safe storage purposes, and to
3 reconcile the inventory of destructive devices.

4 (g) A person, firm, or corporation with an inventory of fewer
5 than five devices that require any Department of Justice permit
6 shall be subject to an inspection for security and safe storage
7 purposes, and to reconcile inventory, once every five years, or
8 more frequently if determined by the department.

9 ~~(h) Subdivisions (f) and (g) shall not apply to individuals~~
10 ~~possessing an assault weapon pursuant to a permit issued by the~~
11 ~~Department of Justice for noncommercial purposes.~~

12 SEC. 35. Section 26 of Chapter 23 of the Statutes of 1994 is
13 amended to read:

14 Sec. 2. The Legislature declares the following to be the public
15 policy of this state:

16 (a) No person who buys or is transferred or is loaned a firearm
17 that was conducted through a person acting under Section 12082
18 ~~or 12084~~ of the Penal Code shall incur any civil liability for any
19 illicit use or possession of the firearm prior to his or her taking
20 possession of the firearm if the person had no knowledge of that
21 conduct.

22 (b) No person holding a license under Section 12071 of the
23 Penal Code when delivering firearms pursuant to Section 12082
24 of the Penal Code shall assume any civil liability beyond that
25 existing at the time of the effective date of this section when the
26 person sells or transfers or loans any firearms out of his or her
27 own stock, if that person otherwise complies with Section 12082
28 of the Penal Code. No person acting as a dealer pursuant to
29 Section 12071 of the Penal Code who is delivering firearms for
30 third parties pursuant to Section 12082 of the Penal Code, and
31 the firearms are not out of his or her own stock, shall assume any
32 civil liability for any defects in those firearms unless he or she
33 has actual knowledge of the defect.

34 (c) No person who transfers, sells, or loans a firearm through a
35 dealer licensed pursuant to Section 12071 of the Penal Code in
36 accordance with Section 12082 of the Penal Code, ~~or through a~~
37 ~~local law enforcement agency pursuant to Section 12084 of the~~
38 ~~Penal Code~~, and who otherwise complies with Article 3
39 (commencing with Section 12070) of Chapter 1 of Title 2 of Part
40 4 of the Penal Code shall incur any civil liability for subsequent

1 misuse of the firearm by the purchaser, transferee, or person
2 being loaned that firearm if he or she had no knowledge of the
3 misuse prior to the transfer, sale, or loan.

4 (d) The declarations contained in this section are declaratory
5 of existing law.

6 SEC. 36. If the Commission on State Mandates determines
7 that this act contains costs mandated by the state, reimbursement
8 to local agencies and school districts for those costs shall be
9 made pursuant to Part 7 (commencing with Section 17500) of
10 Division 4 of Title 2 of the Government Code.

O